





AUG 83

N. MANCHESTER,
INDIANA 46962



KENTUCKY CONTESTED ELECTION CASE.

RESPONSE

OF THE

HON. W. C. ANDERSON vs. J. S. CHRISMAN.

FEBRUARY 15, 1860.—Referred to the Committee on Elections, and ordered to be printed.

JAMES S. CHRISMAN:

SIR: I have received a paper purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1, in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered as required by the law entitled "*Elections*," *Revised Statutes of the State of Kentucky*, pages 283 to 303. *inclusive.* The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent to the State board, upon all the returns sent in, according to law, at the proper time, awarded me the certificate of election. Before the said certificate was granted the result was pub-

lished in the public newspapers, by which I received a majority of three votes, and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners of Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to re-assemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time; they were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake, to my prejudice, of four votes, was discovered on the poll-books of Boyle county, and an amended return, stating this fact, transmitted by the county board of Boyle to the State board at Frankfort; and when this fact was made public in the district that such an amendment had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie; and by the laws of Kentucky in such cases, the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland, you shifted positions, and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contended that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of state, and attorney general of Kentucky.

I do not know, and do not admit, that the mistake that you complain of occurred. It may be true, according to the books as they now stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as voting for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each:

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county; because he lived in the county of Russell.

2. R. M. Barnard—who voted at White Oak district, in Adair county; because he had not been in the county, State, or precinct for the time required by law.

3. George Simpson—who voted at White Oak district, in Adair county; for the same reasons as above.

4. Ben. F. Allen—who voted at the Neatsville district, in Adair county; because he was a resident of and lived in the White Oak precinct.

5. Milton Polly—who voted at White Oak precinct, in Adair county; because he lived in the Harmony precinct.

6. Elijah Leach—who voted at White Oak precinct, in Adair county; because he was not a resident of said precinct for the term required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county; because he lived at the time at Haysville, in Marion county.

8. William P. Royse—who voted at the Columbia precinct, in Adair county; for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in Adair county; because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the Gradyville district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in Adair county; because he was under twenty-one years of age.

12. James Jones—who voted at Neatsville district, in Adair county; for the same reason as above.

13. Jonathan McElroy—who voted at Harmony district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required.

14. George D. Redman—who voted at the White Oak district, in Adair county; because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at the White Oak district, in Adair county; because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district.

16. I. N. Vaughn—who voted at the same place as above, and for the same reason as above.

17. Samuel Vier—who voted at Columbia district, in Adair county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and because of the same reasons as above.

19. Joshua Prewitt—who voted at the White Oak district in Adair county; because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county; because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville precinct, in Adair county; because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in Adair county; because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at same place as above, and because of same reason as above.

24. Morgan Simpson, *alias* R. W. Simpson—who voted at Neatsville, in Adair county; because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbott, jr.—who voted at precinct No. 4, Boyle county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Charles Voss—who voted at district No. 4, Boyle county; because of the same reasons as last above named.

4. William Crow—who voted at district No. 3, Boyle county; for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted at district No. 2, in Boyle county; because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county; because of the same reason as last above named.

11. Samuel Goode—who voted in district No. 1, of Boyle county; because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county; because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county; because of the same reasons as the last above named.

14. William Staley—who voted at same place; because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neal—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place; because of same reason as last above named.

19. Hearn Gee—who voted in district No. 1, in Boyle county; because he is an idiot.

1. James F. Alstott, *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county; because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named; because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county; because of the same reasons as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county; because he was not 21 years of age.

6. John Henry Bryant—who voted at the Rolling Fork precinct, in Casey county; because he was indicted, convicted, and sentenced to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tate district, in Casey county; because he was not a resident of said district for the time required by law; he was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at the Rolling Fork precinct, in Casey county; because he had, before the election, removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county; because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, Clinton county; because he resided in district No. 4 of said county.

3. John Lemans—who voted in district No. 3, Clinton county; because he was under 21 years of age.

4. John Hughes—who voted at district No. 2, Clinton county; because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, Clinton county; because he lived at the time in district No. 3 of said county.

7. S. J. Vance—who voted in district No. 5, Clinton county; because he lived at the time in district No. 4 of said county.

8. Joshua Birdwell—who voted in district No. 2, Clinton county; because he lived in district No. 1 of said county.

9. George Wilkerson—who voted in district No. 2, Clinton county; because he was a foreigner, and not a citizen of the United States.

10. John Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, Clinton county; because he lived at the time in the Hays district of said county.

12. James Hare—who voted in district No. 3, Clinton county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, Clinton county; because he is *non compos mentis*, or, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, Clinton county; because he is a foreigner, and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, Cumberland county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons as last above named, and because he lived at the time in the Elliott district of said county.

7. John Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulsen—who voted at Kettle Creek precinct, Cumberland county; because of the same reasons as last above named.

9. Jacob Dulworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, Cumberland county; because he resided at the time in Adair county.

11. John Cooksey—who voted at same place; because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, Cumberland county; because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, Cumberland county; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, Cumberland county; because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, same county; because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider or Crider—who voted at the Elliott district, Cumberland county; because he was not 21 years of age.

1. Sam. Powell—who voted at Standford, Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct,

Lincoln county; because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at same place as last above named; because he was at the time a resident of the Walnut Flat district.

4. J. T. Waterhouse—who voted at same place as last above named; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, Lincoln county; because of the same reasons as last above named.

6. Wesley Davis—who voted at same place, and because of same reasons as last above named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county; because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Sylar—who voted at Waynesburg, in Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at same place, and because of same reasons as last above named.

10. Zach. Cook—who voted at same place, and because of same reasons as last above named.

11. Levi Cotton—who voted at Turnersville precinct, in Lincoln county; because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonsville, in Lincoln county; because he was a foreigner, and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Sherron or Sherrondon—who voted at same precinct as last above named; because he was not 21 years of age.

14. Charles McWilliams—who voted at same precinct as last above named; because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at Crab Orchard, in Lincoln county; because he was not 21 years of age.

16. Jesse Haythe—who voted at Waynesburg, in Lincoln county; because he had, before the election, removed to Rockcastle county, and was not a resident of the precinct in which he voted.

1. S. E. Reed—who voted at Creelsboro' district, in Russell county; because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at same place; because of same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county;

because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown precinct, in Russell county; because he was not at the time a resident of said precinct.

6. Elijah Low—who voted at Wolf Creek precinct, in Russell county because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsay Brummett—who voted at Lairsville precinct, in Russell county; because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county; because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825 make the house in which said Miller resides in Adair county. (See pages 40 and 41.)

9. Allen Bybee—who voted at Creelsboro', in Russell county; because he was at the time a resident of Clinton county.

1. William Redding—who voted at Saloma precinct, in Taylor county; because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.—who voted at same place, and for the first reason last above named.

3. James H. Ratliffe—who voted at the Little Pinchem district, in Taylor county; because of the same reason last above named.

4. Frank Rhodes—who voted at Mannsville district, in Taylor county: because he was not 21 years of age.

5. Marion Peterson—who voted at Campbellsville precinct, in Taylor county; because he had not been a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county; because of the same reasons as last above named.

7. Henry Shaffner—who voted at same place last above named; because he was not 21 years of age.

I deny that William Davis, and Jackson D. Richardson, and Wm. R. Cumbass, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerks of the election at the district in which Wiley Turner voted erased his name and vote without just reason.

I deny that the judges, without good reason, refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, Geo. W. Brane, and Samuel Leffien are recorded for me; but they voted and are recorded for you. The vote of Nelson Pendegraft is recorded for me, and I state that he so voted, and that his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you. I state that he voted for me at the polls, and was so recorded.

I deny that the poll-book of the Ireland precinct, in Taylor county,

is improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was improperly and illegally certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book, and the votes therein recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood, Anderson, 49; Chrisman, 95.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified as required by law. At said precinct the vote stood, Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Mannsville district, in Taylor county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of Whetstone precinct, in Cumberland county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law. And also, because the said poll-books were in your possession, and inspected by you and your political friends, before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday night after the election, (by your democratic friends,) and before the comparison.

I shall insist upon counting in my favor the following votes, which were cast for me, and omitted to be recorded by the clerk :

Richard Pendegraft—who voted at district No. 1, Boyle county.

Henson Pendegraft—who voted at the same place.

David Wells—who voted at Burksville precinct, Cumberland county.

Bethel Compton *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for Wm. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress—his name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall insist upon striking from your poll, and adding to my own, the vote of

J. T. Reynolds—who voted in district No. 3, in Boyle county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

James Janes—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

Cyrus Judd—who voted at the White Oak district, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon striking from your poll the vote of

Samuel M. Baker—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Polston, Ben. Austin, J. C. Williams, J. C. Cundiff, W. S. Baldock, W. J. Jones, Bird Russell, J. Abshear—all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of election :

Charles B. Kirkland—who offered to vote at precinct No. 1, in Boyle county.

B. W. Moss—who offered to vote at precinct No. 2, in Boyle county.

Isaac F. Keys—who offered to vote at Greensburg, in Green county.

I shall also insist upon excluding the votes of the following named persons, who were permitted to vote after the time fixed by law for closing the polls, and after the polls had closed :

Frank Delaney—who voted at Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shelton *alias* Chilton—who voted at Jamestown precinct, in Russell county.

I shall insist upon adding to my poll the votes of the following named persons, who voted for me, and were so recorded, and their votes stricken from the books by the judges of election, after said voters had left the polls, and were not recalled, and without their consent or approbation :

Archibald Sidwell—who voted in district No. 4, Clinton county.

Jesse Sidwell—who voted in district No. 1, same county.

W. A. Ellis—who voted at district No. 4, same county.

I shall insist upon rejecting the third page of the poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk as required by law; on that page the vote stood, Chrisman, 18; Anderson, 9.

I shall also insist upon striking from your poll the vote of Wm. R. Bowman *alias* "Wm. Bowman," who voted in district No. 2, Boyle county; because said Bowman gave no vote in the congressional race, and by mistake of the clerk, his vote has been recorded for you.

I shall also insist on striking from your poll the vote of

G. R. Vaught—who voted at the Somerset district, in Pulaski

county; because the vote of the said Vaught was recorded, by mistake of the clerk, for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and the votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics; when, by the laws of Kentucky, there should have been an equal division of officers if they could be found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge; Greenup Meese, sheriff; and Willis J. Stogsdell, clerk of said district, are all democrats, and agree with you in politics, held said election at said district, and at the district the vote stood, Chrisman, 68, and Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk, he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, that a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake, and I deny that such a mistake was made, I shall claim that the whole vote of Kettle Creek precinct be rejected; because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hughes, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was 486, and so counted in the returns.

In the account sent to Frankfort from the county of Adair, the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may, and actually do, make mistakes, and many have been to my prejudice. The democracy regard everything fair in politics, and after you have been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason that you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; but even if defeated in Congress, you would get the mileage and compensation anyhow.

1. John Ping—who voted at the Dallas district, in Pulaski county, because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county; because he was not 21 years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

4. David Sadler—who voted at the Harrison district, Pulaski county; because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county; because he was not 21 years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary for felony, from Whitley county, Kentucky, and served his time out therein, and was thereby, by law, disfranchised.

7. Erased.

8. Eli Dykes, jr.—who voted at the Somerset district, in Pulaski county; because he was a resident of the Bent district, Pulaski county, at the time of said election.

9. John L. Logan—who voted at the Harrison district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

10. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

11. Wesley Neal—who voted at the Buncombe district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

12. Norris Williams—who voted at the Bent district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

13. Washington Reynolds—who voted at the Bent district, in Pulaski county; because of the same reason as last above stated.

14. James Parton—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

15. John Elder—who voted at the same district for the same reason as above.

16. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county; because he was a foreigner, and not a citizen of the United States.

17. Thomas Jenkins—who voted at the same district, and for the same reason as above.

18. Henderson Angell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

19. Patrick Doyle—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

20. Samuel Hansard—who voted at the same district; because there is no such voter living in said district.

21. John Davis—who voted at the Somerset district, Pulaski county; because he was not 21 years of age.

22. Wm. Burton, son of Benj. Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

23. Dunny Lustre, son of Jesse Lustre—who voted at the same district, and for the same reason.

24. J. J. Smiley—who voted at the Grundy district, Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

25. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not 21 years of age.

26. Joseph Keith—who voted at the same district, and for the same reason.

27. Daniel Chitwood—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

28. Jonathan Abbott—who voted at the same district, and for the same reason.

29. John Brown—who voted at the same district, and for the same reason.

30. Elijah Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county; because he was not 21 years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county; because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr.—who voted in the same district last named; because he was not a resident of the State, county, or precinct for the time required by law.

4. Daniel Sullivan, sen.—who voted at the Greensburg precinct; because of the same reasons last above named.

5. Selden Renfro—who voted at district No. 5, in Green county; because of the same reasons last above named.

6. Thos. Elmore—who voted at district No. 4, in Green county; because he was not 21 years of age.

1. George W. St. Johns—who voted at district No. 1, Wayne county; because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county; because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place; because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district; because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district, the time required by law.

5. J. J. Shepperd—who voted at the same district; because he was

not a resident of the State, county, or precinct for the time required by law.

6. Henry Greer—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district ; because he was not a resident of the State, county, or precinct for the time required by law.

9. E. F. Waller—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

11. Andrew Henry—who voted at the same district ; because he is not 21 years of age.

12. John Chriswell—who voted at the same district ; because he was not a resident of the county or district for the time required by law ; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district ; because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district ; because he is not 21 years of age.

15. Charles Orman—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

16. George Smith—who voted at the same district ; because he is not 21 years of age.

17. William Terry—who voted at the same district ; because he was not a resident of the county or district ; in fact, he was a resident of Russell county at the time of the election.

18. George Arthur—who voted at the same district ; because, after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs, in Wayne county ; there is no such voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county ; because he was not a resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and further, because he is not entitled to vote in Kentucky, or anywhere else, he being under 21 years of age.

21. Thomas Rutherford—who voted at the same district ; because he is not 21 years of age.

22. Marion Stevenson—who voted at the same district ; because he is not a resident of the county or district for the time required by law.

23. Thomas Mus—who voted at the same district ; for the reasons last above named.

24. Wm. Scantland—who voted at the same district; because he is not 21 years of age.

25. Sam'l Pennington—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

26. John Fredricks—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

27. James Daus—who voted at the same district; because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district; because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchinson—who voted at the same district; because he is not 21 years of age.

31. Wm. Weaver—who voted at the same district; because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you when he first cast his vote for the other democratic candidates for the various offices of the State, &c.

32. William Foster, jr.—who voted in Mill Spring district; because he is under 21 years of age, and not a resident of the district, as required by law.

33. George Payne—who voted at the same district; because he is an idiot.

34. F. M. Marcum—who voted at the same district; because after he had recorded his vote for me, and had left the polls, his name was erased from the poll books, so far as his having voted for me

35. Thomas Simpson—who voted in Mill Spring district, in Wayne county; because he was under 21 years of age.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county; because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district; because he was not 21 years of age.

38. Wm. Rule—who voted at the same district; for the same reason last stated.

39. Shelby Denny—who voted at the same district; for the same reason last stated.

40. Wm. Carter—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district; because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

43. John Sloan, jr.—who voted at same place; because of the reasons above named.

44. Berry Shoat—who voted at the same place; because of the reasons above named.

45. Andrew Hill—who voted at the South Fork district, in Wayne county; because he was not 21 years of age.

46. Granville Spradlin—who voted at the same place; because he was not 21 years of age.

47. William Brewster—who voted at the same place; because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place; he only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville; because he was not a resident for the time required by law.

50. William King—who voted at the same place; because he was not 21 years of age.

51. James Davis—who voted at same place; because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place; because of the reasons last above named.

53. Hiram Troxdall—who voted at the same place; because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullettown district, Wayne county; because he was not 21 years of age.

55. Granville Shoat—who voted at the same place; because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county; because he was not a resident for the time required by law.

57. Isaac Mason—who voted at same place; because he is not a legal voter.

58. Stephen Loveall—who voted at same place; because he is under 21 years of age.

59. Gideon Loveall—who voted at same place; because he is not a legal voter.

60. Christopher Jones—who voted at same place; because he is not 21 years of age.

John Honey—who voted at Mullettown, not having been a resident of the district, State, or county the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice. If so, I hereby deny them. But I do admit that Abraham Monroe, whose vote you challenged, as I suppose, was not a legal voter, for if you will examine the poll-books, you will find that said Monroe voted for you, and is recorded and counted.

You have also challenged the vote of James Lair. The said Lair voted for you and is so recorded, but the same is illegal; and I therefore admit that as he voted for you his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested; but I expect to prove, and will prove, before said Congress, that I am

honestly, fairly, and legally elected to that position; and I will state, that in the discharge of the high duty, as the representative from the fourth congressional district of Kentucky, endeavor to so act as to meet with the confidence and respect of my constituents. The war-worn veteran, the children of the country, the widow, the orphan, shall, so far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Executed the within upon James S. Chrisman, (the within named,) by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *D. S.*

OCTOBER 8, 1859.

JAMES S. CHRISMAN: You will take notice that on the 21st day of October, 1859, at the court-house in the town of Danville, Boyle county, Kentucky, before Speed S. Fry, presiding judge of the Boyle county court, I will proceed to take the depositions of the following named persons: J. P. Brumfield, Jacob Goodknight, S. H. Gregg, J. T. Runnels, Richard Pendergrast, Hanson Pendergrast, R. H. Meigs, G. M. Proctor, A. H. Sneed, G. W. Doneighy, George Raney, E. P. Humphry, W. Wollaston, John F. Verden, J. H. Williamson, W. A. Harness, James Taylor, G. R. Smith, John J. Craig, S. P. Barbee, G. T. Kirkland, J. T. Boyle, B. W. Moss, W. R. Bowman, Nicholas McDowell, Stage Goode, E. W. Sumpter, B. F. Overstreet, Philip Johnson, James F. Zimmerman, Churchill Yager, Lee Yager, David Crozier, Clement Smith, John Surcy, Jacob McNeal, H. A. B. Crowder, William Beagley, George Tate, Benjamin Bruner, W. R. Boyce, H. P. Bosley, C. C. McClure, William Figg, E. McNair, J. T. Haley, E. Preston, Zack. Price, J. B. H. Latimer, Henry Hamilton, John Hughs, G. D. Masonheimer, George Beddow, Walter Irvine, John Cabell, James Crowder, John F. Zimmerman, W. C. Compton, Joseph McNeal, Grandison Glasscock, Thomas W. Napier, C. B. Kirkland, George Jones, J. C. McKay, John Durham, Thornton Thurman, John Cowan, A. Clemmens, James Turpin, W. H. Yates, James Yates, Robert Mitchell, Joseph H. Thomas, Henry Bruce, H. L. Carpenter, W. L. Tachington, Abraham Clemmens, A. Tucker-son, sr., William Boling, Archy Gray, B. D. Williams, A. Blakeman, Elias Montgomery, S. P. Barbee, J. Curtis, M. O. Stretch, O. Gannett, A. W. Washington, W. C. Compton, Thomas Tacluck, R. H. Cecil, George Shrimpton, John Horton, J. H. Irwin, Warton Irvine, E. P. Humphrey, Mrs. Amanda Craig, Miss Pattee Craig, J. S. Caldwell, G. S. Caldwell, Frank Oversted, James M. Gray, George Ward, C. B. Kirkland, Garrett Clarkston, W. H. Prewitt—all of which witnesses now live and reside in the county of Boyle, State of Kentucky, except George Beddow, H. L. Carpenter, Thomas W. Napier, James Crowder, and John Cabell; the three former reside in Lincoln county, and the two latter reside in Marion county, Kentucky; and George

Sumpter and John Horton live in Wayne county, and R. H. Cecil in Mercer county.

And I will, on the 31st day of October, 1859, at the court-house in Liberty, Casey county, before Winston Bowman, presiding judge of the Casey county court, take the depositions of Joel Sweeney, Asa Bryant, G. W. Bowman, Thomas Watson, R. H. Wilkinson, C. F. Campbell, Dr. W. J. McGowan, Henry Devenport, George Dry, James Dry, John Earls, T. R. Tucker, James Allstott, George Moore, James Brown, Robert Peyton, H. W. Thomas, Frank Woolford, McDowell Fogle, Mrs. Harrison Patterson, Perry Humphry, John Durham, F. L. Thomas, M. Rhyne, Rebecca Lanehart, William Smith, Anderson Rigney, John Pelly, Winston Bowman, C. R. Coffey, W. C. Myers, John Durham, P. Jenkins, Charles Tate, D. Tucker—all of which witnesses now reside in the county of Casey and State of Kentucky.

And on the 8th day of November, 1859, before Thomas W. Napier, presiding judge of the Lincoln county court, at the court-house in Stanford, Lincoln, Kentucky, I shall take the depositions of R. Carson, J. B. Elder, A. Carson, Harrison Middleton, G. H. McKenney, Edward Caldwell, Peter E. Carter, H. W. Farris, S. E. Higgins, Samuel Holmes, J. Johnson, Sidney Myres, James Beddew, Jefferson Graham, H. E. Owsley, Hugh Hays, Finley Hays, John Raines, James Patton, Mrs. Lette Patton, R. H. Givens, H. L. Carpenter, Robert White, W. F. Camden, Selburn Johnson, A. K. Root, R. May, Adam Pence, James Bliss, F. Coffman, Dr. Brown, John Tate, A. H. Campbell, Thomas Green, J. M. Cook, G. D. Wetherford, William Dry, S. O. Middleton, T. B. Dodds, Clinton Hocker, Alfred Skinner, Green Kidd, William Petree, W. O. Hansford, William King, Harvey McAlister, Reuben Williams, Robert P. Graves, Isaac Gibson, D. J. Alcorn, Richard Carter, William Craig, Evan Waters, Joel E. Huffman, R. W. Graham, William Ousley, William Bacon—all of which witnesses now reside in the county of Lincoln, State of Kentucky.

And on the 15th day of November, 1859, at the court-house in the town of Jamestown, Russell county, Kentucky, before William M. Green, presiding judge of the Russell county court, I shall take the deposition of E. McFall, William Wilburn, James Sullivan, John Sullivan, J. C. Winfrey, Thomas Grider, J. E. Grider, C. C. Buster, L. H. Russeau, Clayton Ellis, Elijah Coffey, T. L. Wood, B. Holt, Lewis Sharp, William Johnson, J. G. Schott, W. H. Haynes, Elias Dunbar, Chesley Muse, James Fox, James Grider, James Miller, James Duncan, George Bryan, H. Campbell, William Jones, Seth Wade, Samuel Jeffreys, Solomon Wells, James P. Floyd, W. S. Patterson, George Matney—all of which witnesses now reside in the county of Russell, State of Kentucky.

And I will, on the 23d of November, 1859, at the court-house in the town of Somerset, Pulaski county, Kentucky, before D. H. Denton, presiding judge of the Pulaski county court, take the depositions of Robert Smith, James Delany, W. M. Adams, W. Adams, John P. Nunnally, Thomas Gibson, W. F. Scott, E. Milton, John Denny, Samuel Owens, James Denny, Reuben Denny, Wm. Mounts, Peter

Waddle, Wm. Grear, James Ballow, Samuel Lane, R. Phelps, Tyre Turpin, Thomas Durham, John M. Hale, Wesley Hale, Thos. Hale, T. Q. Jasper, A. E. Massy, James Massy, Wm. Davis, Richard Burnett, J. D. Alcorn, Wm. McKee Fox, Frank Harrison, George R. Vaught, John M. Hayden, E. D. Porch, Ben. Compton, Jack Patton, S. C. Severs, D. W. Russell, J. M. Weddle, W. F. Dobbs, W. S. Buchanan, Stephen Burton, J. Q. A. Richardson, Jo. B. Newell, S. H. Tate, A. M. Beaty, Jas. Jasper, Wm. Weddle, J. W. Adams, Silas Tartar, Riley Mise, Jeff. Hargis, M. G. Mise, Allen Jones, J. M. Perkins, Thomas Doolin, Hamilton Hinds, J. M. Smith, Silas Price, Olevia Waddell, J. H. Davis, John Owens, (Gaines district,) Stephen Burton, Jack Hart, Alfred Taylor, Haywood Simpson, Jack Ingram, Eli Carell, Dudley Massengill, W. F. Patterson, and Wm. Love—all of which witnesses now reside in Pulaski county, except it may be that Eli Carell and Dudley Massengill live in the county of Wayne.

And I will, at the court-house in the town of Monticello, Wayne county, Kentucky, on the 2d day of December, 1859, before G. W. Mills, presiding judge of the county court of said county, take the depositions of C. H. Buster, William Simpson, B. E. Roberts, John S. Vanwinkle, John B. Ingram, Ezekiel Smith, C. A. Cox, Thomas Lair, Frank Lair, John Kennet, William Lair, G. W. Twiford, James Gann, James Meadows, W. C. Turner, J. V. Warden, M. D. Hardin, B. W. Duncan, M. Stephens, A. M. Shepperd, Miles Gregory, John W. Tuttle, Solomon Cecil, Nelly Cecil, Miss Jane Low, Allen Butler, Wm. Dugger, George W. Twiford, M. Stephens, John Kennett, Mrs. Henry, Geo. W. Ingram, James Ingram, David Wallen, Daniel P. Wright, A. H. Duvall, Flem. Bates, P. Baker, J. T. Wilhite, John Carter, Evan Thomas, Harrison Brascomb, W. H. Berry, Jenny Smith, Joseph Costillo, Wilson Terry, Lans. Stepeson, Jas. B. Berry, James M. Hutchinson, John Morris, A. R. West, L. A. Lanier, Jas. West, Wm. Brown, James R. Brown, H. L. Carrigan, Wiley Johnson, Jas. Denny, of Pulaski county, Kentucky, Mrs. Nancy Hutchinson, Robert M. Tate, T. C. Brown, A. H. Daugherty, Alvin Jones, Hock Johnson, John Stockton, Wm. Guffey, Daniel Powers, Thos. Hancock, Jesse Hancock, John Low, John Hatfield, James Carter, Henry Denny, Steuart Ingram, Wm. Crouch, of Fentress county, Tenn., John Dishman, T. Morgan, Randall Morgan, C. Frost, Martin Kennedy, John Hicks, J. Sloan, Dan. Powers, Benj. Hill, John Lewallen, John Steele, J. Burnett, David Spradlin, Andrew Slavey, Ed. Young, W. Ryan, T. Ryan, Miles Gregory, Jacob Sandusky, Tom. Hurt, Peter Phipps, David Bell, Henley Blevins, Armstead Blevins, Tim. Blevins, William Canon, Mrs. Milly King, Ben. Bush, James Dolens, William Dobbs, John Dobbs, Jacob Troxdall, sr., Thomas Boyd, Riley Shesteen, Hiram T. Hall, B. Thurston, Preston Beck, C. L. Higginbotham, Tim. Short, Nathaniel Hicks, James Clark, Bradent Guffey, B. W. Huffer, C. Frost, Robt. McBath, Robt. Rankin, John H. Phillips, R. Hutchinson, D. Russell, John Black, Wash. Jones, Newton Powell, John R. Dich, Tim. Powell, Matthew

Denny, Josh. Denny, James Dich, G. P. Dich, Eli Correll, Gordon Cordie, E. L. Vanwinkle, Mrs. Stephen Loveall, Mrs. William McGee, Mrs. Mary Kidd, Newton Powell, Dr. C. A. Cox, Mrs. William Russell, James Lawson, B. Lawson, John L. Soller, J. E. Viehry, C. Abner, A. E. Smith, O. Barns, John Horton, George Sumpter, R. H. Crag, Joseph Sumpter, George K. Holman, M. Sumpter, Harden Stephens, E. Spradlin, William Dobbs, John Dobbs, Isaac Harden, Joseph Roberts, J. V. Waran, William M. Worsham, Bailey Roberts, of Pulaski, Ambrose Spradlin, William Spradlin, of Whitley, Shadrach Blevins, Timothy Blevins, William Crobston, Silas Parmly, William Massengill, Celia Bruster, E. Cecil, Martha Massengill, David Lowe, Mrs. McGee, Nelson Davis, Polly Stockton, Bob. Baugh, B. F. Taylor, L. R. Long, John B. Hinas, John Fusten, James Bois, and Wm. Bates—all of which witnesses reside in the county of Wayne, except D. P. Wright, A. H. Duvall, John Stockton, and Wm. Guffey, who reside in the county of Clinton; James Denny and Bailey Roberts, who reside in the county of Pulaski; Wm. Spradlin, who resides in the county of Whitley; Wm. Crouch, who resides in Fentress county, Tenn.; Henley Blevins and Armstead Blevins, who reside in Scott county, Tenn.; Mrs. Stephen Loveall, who resides in the county of Adair; John Horton, George Sumpter, in Wayne county, and R. H. Cecil, who resides in Mercer county. Also, deposition of S. J. Stephenson and Riley Chusteen, of Wayne county.

And I will, on the 12th day of December, 1859, at the court-house in the town of Albany, Clinton county, Kentucky, before William Van, presiding judge of the Clinton county court, take the depositions of W. A. Hoskins, Valentine Brown, S. W. Hunter, Frank Burchett, G. W. Howard, Perry Duval, J. P. Reckens, Harvey Brogan, P. H. Smith, Henry Taylor, Pearson Huff, H. T. Goff, Frank Irvin, Luther Hancock, B. F. Hancock, A. J. York, C. L. Holsapple, Chas. P. Gray, Isaac Boring, Otho Miller, R. W. Wood, Elijah Koger, John Irvin, Arch'd Sedwell, Jesse Sedwell, J. Patton, J. L. Chilton, James Johnson, R. Woodson, James Gibbons, Allen Smith, Elgy C. Smith, James Chilton, J. C. Andrews, Wm. Koger, M. Koger, Wm. Harper, M. Speck, Jane Smith, Martin B. Owens, Jos. Tompkins, Joshua Lawhorn, Anderson Maynard, Eli Jones, Robert Wood, Reuben Hurt, Simeon Marcum, W. A. Ellis, John W. Marion, A. H. Duvall, Jas. Beard, and D. P. Wright—all of which witnesses now reside in the county of Clinton, State of Kentucky.

And I will, on the 20th day of December, at the court-house in the town of Burksville, Cumberland county, Kentucky, before James Haggard, presiding judge of the Cumberland county court, take the depositions of R. C. Logan, A. G. Waggener, M. H. Owsley, T. Q. Wadkins, Joseph B. Alexander, A. Norris, J. C. Pace, Jackson Pace, Edward Pace, Thomas Rhonime, John Cheek, M. L. Harris, W. S. Matthews, Bonaparte Chatham, Lewis Waggoner, D. R. Haggard, F. W. Alexander, Meredith Martin, Samuel Luallen, Abraham Spears, W. F. Owsley, Joel Owsley, J. S. Bledsoe, James Cheek, Zib Norris,

John Johnson, J. Dulworth, Sam Elliott, Asa Elliott, Robert Elliott, Russell Cole, Robert Scott—all of which witnesses reside (now) and live in Cumberland county, except W. S. Matthews, who lives in Taylor county.

And I will, on the 30th December, 1859, at the court-house in the town of Columbia, Adair county, Kentucky, before E. T. Willis, presiding judge of the Adair county court, take the depositions of E. T. Sublette, Champ Dellingham, Ben. Drake, Thomas E. Bramlittle, Z. Wheat, Eli Wheat, Sinclair Wheat, W. H. Spencer, A. F. Merryman, W. E. Baker, Jos. Williams, Mat. Miller, Jonathan Jones, Bethel Compton, Black Hughes, N. S. Wheeler, T. T. Alexander, James Jeans, Elzy Damron, Archibald Wade, Mat. Sparks, Jeff. Jones, James Nelson, A. B. Nelson, Thomas Dowell, J. B. Yates, Cyrus Judd, George D. Redman, G. W. Ewing, Walter Irvin, Randolph Rice, Zack Jeans, J. P. Owens, Stephen Stone, Mat. Parks, C. J. Taylor, Wm. Mundy, William Curry, (Shanghai,) Mrs. Stephen Terrall, Jos. Janes—all of which witnesses now reside in Adair county, except Walter Irvin, who resides in the county of Boyle, Kentucky.

And I will, on the 9th day of January, 1860, at the court-house in the town of Campbellsville, Taylor county, Kentucky, before William Cloyd, presiding judge of the county court of Taylor county, take the depositions of W. E. Parrott, Thomas Coward, John C. Sanders, Alexander Lindsey, R. B. Sanders, E. L. Green, Wm. Gelpen, George Capehart, Ferdinand Easten, R. Davis, R. P. Dunham, G. W. Montague, Jos. H. Chandler, J. R. Robinson, W. T. Martin, Robert Martin, W. S. Matthews, Wm. Rakes, Joel Spaggins, Loch Phillips—all of which witnesses now reside in the county of Taylor, State of Kentucky.

And I will, on the 19th day of January, 1860, at the court-house in the town of Greensburg, Green county, Kentucky, before William Barnett, presiding judge of the county court of Green county, take the depositions of W. N. Vaughn, John H. Ward, J. C. Edwards, Chapman Edwards, Robert Marshall, Monroe Adair, Archibald Lewis, J. B. Carlisle, James Carlisle, W. T. Ward, Q. H. Easters, J. H. Easters, W. B. Allen, S. T. Wilson, H. T. Hogan, B. E. Courts, J. T. Golder, J. M. S. McCorkle—all of which witnesses now live in the county of Green, State of Kentucky.

And at each of the places indicated in this notice I will continue taking the depositions aforesaid, at the places mentioned, from day to day (Sundays excepted) until completed; but shall allow an interval of at least five days between the close of taking the testimony at one place and its commencement at another; at which times and places you can attend in person or by attorney or agent. All of the foregoing depositions, when taken, are to be read as evidence in my behalf in the contested election before the House of Representatives of the Congress of the United States, in which you are the contestant for my seat in said House of Representatives, &c.

WILLIAM C. ANDERSON.

Executed the within notice upon the within named James S. Chrisman by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *Sheriff of Wayne County.*

By L. P. BAKER, *Deputy Sheriff.*

DANVILLE, KENTUCKY.

SIR: You have given me notice that you will contest my seat as representative in the Congress of the United States, and you have also given me notice to take depositions in different parts of the district, commencing on the 21st of October.

It is impossible to take the proof within the sixty days, allowing an interval of five days, as required by law. I therefore propose that we meet at some convenient point in this district, to agree upon the time and places of taking the proof. We can dispense with the interval of five days, and take on from day to day until completed.

I do this in order that the case can be prepared for an early decision of Congress. If you accept the proposition, notify me in writing; if not, I shall be compelled to go on and take the proof at the time and places designated in the notice.

Respectfully,

W. C. ANDERSON.

JAMES S. CHRISMAN.

Executed upon the within named J. S. Chrisman on the 17th of October, 1859, by delivering him a true copy hereof.

FLEMMING BATES,

Sheriff of Wayne County.

OCTOBER 8, 1859.

You will take notice that on the 21st day of October, 1859, at the court-house in the town of Danville, Boyle county, Kentucky, before Speed S. Fry, presiding judge of the Boyle county court, I will proceed to take the depositions of the following named persons: J. P. Brumfield, Jacob Goodknight, S. H. Gregg, J. T. Runnels, Rec'd Pendergrast, Henson Pendergrast, R. H. Meigs, G. M. Proctor, A. H. Sneed, G. W. Doneighy, George Raney, E. P. Humphry, W. Wollaston, John F. Virden, J. H. Williamson, W. A. Harness, James Taylor, G. R. Smith, John J. Craig, S. P. Barbee, G. T. Kirkland, J. T. Boyle, B. W. Mass, W. R. Bowman, Nicholas McDonald, Stage Goode, E. W. Sumpter, B. F. Overstreet, Philip Johnson, James F. Zimmerman, Churchill Yager, Lee Yager, David Crozier, Clement Smith, John Surcy, Jacob McNeal, H. A. Crowder, William Beagley, George Tate, Benjamin Bruner, W. R. Boyce, H. T. Bosley, C. C. McClure, William Figg, E. McNair, J. T. Haley, E. Preston, Zack Price, J. B. H. Latimer, Henry Hamilton, John Hughs, G. D. Masonheimer, George Beddow, Walter Irvine, John Cabell, James Crowder, John F. Zimmerman, W. C. Compton, Joseph McNeal, Grandison Glasscock, Thomas W. Napier, C. B. Kirkland, George Jones, J. C. McKay, John Durham, Thornton Thurman, John Cowan, A. Clem-

mens, James Turpin, W. H. Yates, James Yates, Robert Mitchell, H. H. Thomas, Henry Bruce, H. L. Carpenter, W. L. Tarbington, Abraham Clemmens, A. Tuckerson, sr., William Boling, Archy Gray, B. D. Williams, A. Blakeman, Elias Montgomery, S. P. Barbee, Jo. Curtis, M. O. Stretch, O. Garnett, A. W. Washington, W. C. Compton, Thomas Tarbock, R. H. Cecil, George Sumpter, John Horton, J. W. Gwin, Walter Gwin, E. P. Humphrey, Mrs. Amanda Craig, Miss Pattie Craig, J. S. Caldwell, G. S. Calwell, Frank Overstreet, James M. Gray, George Ward, C. B. Kirkland, Garrett Clarkston, W. H. Prewitt, George Beddow—all of which witnesses now live and reside in the county of Boyle, State of Kentucky, except George Beddow, H. L. Carpenter, Thomas W. Napier, James Crowder, and John Cabell; the three former reside in Lincoln county, and the two latter reside in Marion county, Kentucky; and George Sumpter and John Haston live in Wayne county, and R. H. Cecil in Mercer county.

W. C. ANDERSON.

JAMES S. CHRISMAN.

Depositions taken before Speed S. Fry, presiding judge of the Boyle county court, in the State of Kentucky, at the court-house in Danville, on the 21st day of October, 1859, to be read as evidence in a matter of contest between James S. Chrisman and W. C. Anderson, pending before the House of Representatives in the Congress of the United States.

Testimony in behalf of W. C. Anderson.

Deposition of Stage Goode.

Question by W. C. Anderson. How long have you known James T. Haley, who voted for W. C. Anderson at August election, 1859?

Answer. I have known him since he was a child.

By same. Did he or not reside in the State, county, and precinct in which he voted; if so, how long in each?

Answer. He has resided in the State all his life; he was born in the State. One year ago last spring he was getting bark for Saml. S. Moore, in this county, and in the precinct in which he voted, precinct No. 3, in Boyle county. He claimed his home at the residence of a Mrs. Gates, who also resided in that precinct.

By same. Was he or not sworn when he voted at the August election, and then swear and state that he resided in the precinct where he voted, and had done so for the time required by law?

Answer. Yes, he did.

By J. S. Chrisman's counsel. Where did Haley reside at the last election?

Answer. He said he still made his home at Mrs. Gates', in Boyle county, but he was at work for Caleb Adams, in Casey county, at the time of the August election.

By same. How long had he been at work for Adams before the election?

Answer. I do not know.

By same. Did you ever know but one man of the name of James T. Haley in the county of Boyle?

Answer. I never did.

By Anderson. Do you know C. P. Springer, who voted for Chrisman in district No. 3, in Boyle county; if so, state whether he is a married or single man? Where was his family residing at the time of the election? How long had he been living out of the county?

Answer. He has been living in the city of Louisville for several years. I think, or understood, that his family was in Louisville at the time of the last August election. He sometimes came up here and staid awhile at his father's in this county. He is now absent from the county.

By same. Did he or not leave the county and go back to Louisville, or some other place, a few days after the election?

Answer. I understood from him that he was going to Lebanon, in Marion county. He got on the stage here just after the election, and went off.

By same. Has he (Springer) or not claimed Louisville as his home for several years past?

Answer. He claimed that as his home. I have been at his house there several times.

By Chrisman's counsel. Was not Springer living in the county of Boyle, engaged in work, for more than sixty days preceding the election; and did he not vote in that district in which he boarded?

Answer. He was staying at his father's sixty days or longer, before the election in this county, and he voted in the precinct in which he boarded or staid.

By same. Did you, whilst Springer was in Boyle county, have any conversation with him in regard to his place of residence at that time?

Answer. I did not.

By same. Do you, then, of your own knowledge, know where he resided at the time of the election?

Answer. I do not, except that he was staying at his father's, in Boyle county.

By same. Where is James T. Haley now; and have you seen or heard of him in the county of Boyle since the election?

Answer. I havn't seen him since the day after the election. I understand he is still at work for Adams.

By Anderson. At the time that Springer was boarding at or staying at his father's, was or not his family (wife and children) residing in Louisville?

Answer. I do not know, but understood they were.

By same. Is he or not a housekeeper in Louisville?

Answer. He has been, for I have been at his house, but do not know whether he is now or not.

By Chrisman's counsel. Does not Springer's family consist of himself and his wife only; and was not his wife with him in Boyle county whilst he was boarding at his father's?

Answer. I think he has no family except himself and wife, and his

wife was with him a part of the time whilst he was at his father's this summer.

By Anderson. Do you know of any such man as Henry White, who voted for Chrisman at the election; if so, where does he reside?

Answer. I don't know any such man in this county. I know a man of that name in Casey county. I haven't seen him for several years.

By same. Do you know any such man in district No. 3, or in Boyle county, as Able Reeves, who voted for Chrisman?

Answer. I do not.

By same. How long have you been living in this county?

Answer. I have been living here ever since the county was made.

STAGE GOODE.

Also the deposition of William Figg, taken by the same party, at the same time and place:

By Mr. Anderson. Do you know one C. C. McClure, whose vote has been contested by Chrisman; if so, how long had he been residing in the State, county, and precinct where he voted before the election?

Answer. I know C. C. McClure; he has worked for me several times, and is at work for me now. He told me he had been living in this State a little upwards of five years. He came to the precinct where he voted at the last August election some time in the month of May last, between the middle and last of the month. He said he had been at Perryville, in this county, some two weeks before he came to Danville. He worked for me in Danville some three years ago.

By same. Was he or not a resident of the precinct for more than sixty days prior to his voting?

Answer. I think he was. Some time in the month of July he took a trip out to Somerset, in Pulaski county. He said he was going out there on a little business, and intended to return, as he considered this his home, and he intended to vote here. He might have taken a trip to Tennessee. I think he did go there before he got back.

By Mr. Chrisman. Is not McClure a journeyman hatter; and is not his home and residence wherever for the time he may have business or work?

Answer. He is a journeyman hatter, and wherever he has business or work is his residence for the time.

By same. Between the time that he came to live with you, in May, and the election, was he not absent from the county of Boyle the greater part of the time?

Answer. No, he was not; I don't think he was.

By same. Where had he been living for the year preceding the election?

Answer. In Elizabethtown, I think; I don't know how long, but had been living there for some time.

By same. What business took him to Somerset, and what to Tennessee?

Answer. I do not know; he did not tell me.

By same. Are you not a hatter, carrying on the hatting business in Danville, and had you any work for him to do when he left for Somerset and Tennessee?

Answer. I am a hatter, carrying on business in Danville. At the time C. C. McClure left for Somerset and Tennessee I had no water to carry on my business. He said he would return from Somerset and Tennessee to finish up some hats I had on hand.

By same. Has McClure a family, and is he or not dependent upon his daily labor for support?

Answer. He has no family that I know of. He is dependent upon his daily labor for a support.

By Mr. Anderson. Was or not the absence of Mr. McClure from the precinct where he voted for a mere temporary purpose; did he not state when he left that he intended to return and vote; is he or not now residing with you and working for you, and been doing so ever since the election?

Answer. Yes, sir.

By same. Was he or not sworn at the election, and made his statement of his case, and after the statement was made permitted to vote by the officers?

Answer. He was; he came back from Somerset and Tennessee about a week before the election.

By Mr. Chrisman. Does he claim to reside with you any longer than you can give him work?

Answer. I suppose not.

WM. FIGG.

Also the deposition of George T. Kirkland, taken by same party, at same time and place:

By Mr. Anderson. What relation are you to C. B. Kirkland, who offered to vote in precinct No. 1, of Boyle county? State where his residence was at the time of the election, and how long he had resided in the State, county, and precinct prior to the August election, 1859.

Answer. I am his father. He went to Missouri, last April was a year ago, as he said when he left, with a view to look at the country and on other business. His intention when he left was to return last fall, but he got into some business in Missouri, and he did not get back until July, just before the August election. He did not go for the purpose of making Missouri his home. He left a horse and some other property at my home in Kentucky and in the precinct where he offered to vote. He is a young man and unmarried.

By same. Do you know Henson Gee; is he an idiot or not?

Answer. I know him. He is not as bright as some men, but he has always been allowed to vote. He goes about and attends to business.

G. T. KIRKLAND.

Also the deposition of C. B. Kirkland, taken by same party, at the same time and place:

By Anderson. Are you or not the same C. B. Kirkland who offered to vote in district No. 1, Boyle county, Kentucky, at the August election, 1859, and refused by the officers a vote? State how long you have resided in the State, county, and precinct where you did offer your vote.

Answer. I am; I have always claimed this county as my residence.

By same. Did you not leave the county of Boyle in the spring of 1858, and go to Missouri; if so, how long did you reside in Missouri, and when did you return to Kentucky?

Answer. I went to Missouri in the spring of 1858. I was in Missouri about fifteen months. I got back to Kentucky in July last.

By same. What was the object of your visit to Missouri?

Answer. I went there to look at the country and to see my brother.

By same. Did you intend to remain in the country (Missouri) if you liked it, or if you got into business there?

Answer. No; I intended coming back.

By same. Did you return as soon as you intended when you left; and if not, what was the reason?

Answer. I did not return as soon as I expected. I bought some tobacco there, and had to stay until I sold it.

By same. Did you open a business house in Missouri for the sale of your tobacco?

Answer. No, sir.

By same. Did you pay taxes, or vote, in Missouri?

Answer. No, sir.

By same. Were you not examined on oath by the judges, your acquaintances, when you offered to vote?

Answer. No; I was not sworn, but I related the facts to them.

By same. Are you not an unmarried man, unsettled as to your home?

Answer. I call my father's my home; I am there sometimes, and sometimes I am not. I reside at my father's now. I am an unmarried man.

By same. Do you intend to remove to Missouri?

Answer. No, sir.

By Anderson. For whom would you have voted for representative in Congress, if your vote had been received?

Answer. I would have voted for W. C. Anderson; but at the polls I did not announce the wish to vote for any particular person.

By same. Was it or not known by your acquaintances that you would have voted the opposition ticket, and for Anderson?

Answer. It was.

C. B. KIRKLAND.

Also the deposition of Walter Irvin, taken by the same party, at the same time and place:

By Anderson. Are you acquainted with Morgan *alias* A. N. Simpson, who voted for Chrisman at the Nealsville precinct, in Adair

county, at the August election, 1859? If so, state what he said to you and others in regard to his age and right to vote.

Answer. I am well acquainted with Morgan Simpson; he had been working for me about four months previous to the election. During that time he stated twice to me that he was under age, and would not vote at the election. I was informed that he voted, though I did not see him vote. He voted at Nealsville, in Adair county, if at all. I was in the county of Boyle during the election.

A. WALTER IRVIN.

Also the deposition of William Wollaston, taken by same party, at same time and place:

By same. Do you know one Nicholas Walter, who voted in precinct No. 3, in Boyle county, for James S. Chrisman? If so, state what you know in regard to his residence in the State, county, and precinct where he voted, if he had any such residence.

Answer. A short time before the election I had a conversation with him, and asked him where he had been living; he said he was living in Louisville. I asked if he was going back; he said he was, that he had come up here to attend to a little business.

By same. How long had he been absent from Boyle county before he came back?

Answer. I think he told me it was a year, or nearly a year.

By same. Did he or not leave Boyle county with Rev. Stewart Robinson, who was going to Louisville to permanently reside; and did he not tell you that he might not ever return; how long after the election did he remain in Boyle county; where is he now?

Answer. I don't know that he ever told me he was going to live with Rev. Stewart Robinson. He told me when he came back that he had been living with him. He left in a very short time after the election. I do not know where he is now. He claimed Louisville as his residence, in the conversation with me. I heard this morning that he was here in this county.

W. WOLLASTON.

Also the deposition of J. P. Brumfield, taken by same party, at the same time and place:

By Mr. Anderson. Do you know how George Jones, who voted at the district No. 1, Boyle county, voted in the race for Congress at August election in 1859?

Answer. My understanding from him always was that he had voted for W. C. Anderson; he told me before the election that he was for Anderson, and since that he voted for him. I don't know how he voted. I was not present. I only know from his own statement how he voted.

By same. Do you know one George Tate, who voted for Anderson at Perryville, Boyle county, district No. 1? If so, state what you know in regard to his residence in the State, county, and precinct where he voted, prior to the election?

Answer. I can't say much about him. I know he has been living about there.

By same. Which is a man of the most mind, Edward Jones, who voted for Anderson, or Henson Gee, who voted for Chrisman?

Answer. That would be a hard matter for me to decide; I don't think either of them ought to be allowed to vote.

By Mr. Chrisman. Is not Edward Jones, who voted for Anderson, an idiot, so declared by the court, and now supported out of the public treasury?

Answer. I don't think he is now; but I don't know certainly.

By same. Did you ever hear that Henson Gee was declared an idiot by any court; and does he not attend to his own business?

Answer. I never heard of his being declared an idiot by any court. He does attend to his own business, but I don't think he is calculated to attend to any business.

By same. Do you know James B. Royse and William P. Boyse, fan-makers at Haysville, in Marion county; if so, how long have you known them; where did they reside at the August election, 1859; in Haysville, or Columbia, Adair county, Kentucky, where they voted for Chrisman?

Answer. I know James B. Royse and William P. Boyse, fan-makers. They reside in Haysville, Marion county, Kentucky. They came there either in August, or September, 1858. I can't say they are there now; they were a few days ago. I do not know that these men voted in Adair county, nor do I know that these are the men whose names are recorded in the vote of Adair county.

By same. Do you know Patrick Conly; is he a foreigner or a native-born citizen of the United States?

Answer. I know him. He is a foreigner by birth. I don't know what his true name is. I went to Mexico with him, and his name was always called Conly. I heard the roll called two or three times a day, and it was always called Conly.

By same. Do you know Michael Maho, who voted at Perryville, in district No. 1; is he a foreigner or native-born?

Answer. I know him. He told me he came from Ireland; he is a foreigner by birth.

By same. Do you know James Brennan, John Higgin, and William Staly; are they foreigners by birth, or native-born?

Answer. I don't know but one of them—Brennan. He claims to be a foreigner. I don't know whether any of the persons I have spoken of as foreigners have been naturalized or not.

J. P. BRUMFIELD.

Also the deposition of Abraham Chemmons, taken by same party, at same time and place:

By Anderson. Do you know how Richard Pendergrast, who voted at district No. 1, in Boyle county, Kentucky, voted for Congress at the August election, 1859?

Answer. He told me before the election that he intended to vote for Anderson, and since, he told me that he did vote for him. I was

not present when he voted, and do not know how he voted, except from his own statement.

A. CHEMMONS.

Also the deposition of R. H. Cecil, taken by same party, at same time and place:

By Anderson. Do you know George Sumpter and John Horton, who voted at Monticello, in Wayne county, at the August election, 1859, for Anderson? If so, state what you know in regard to their residence at the time of election.

Answer. I suppose they voted in Wayne; they were at my farm in Mercer just before the election, and said they were going to Monticello, in Wayne county, to vote. They also stated, when they returned, that they had voted for Anderson.

By same. Where did they claim their residence at the election?

Answer. Last February I was in Wayne county, and hired them to come down to Mercer county and work during the summer. They came down and worked until August; they then went up to Wayne to the election, and said they would return and work again for me. They did return and worked for me. Sumpter worked four days after his return, when I settled with him; he then went to a Mr. Davis', in Mercer, to work, and is still with him at work for him. When I settled with him, he spoke of going home to Wayne to sow some wheat. Horton is still at work for me. He told me two weeks ago, when I started to Wayne county, that he would remain and work for me until I returned, and then he would go back to Wayne to live.

By same. Where were Horton and Sumpter raised?

Answer. In Wayne.

By same. Have you ever understood that they or either of them claimed any other home than Wayne county?

Answer. No, sir.

By same. Where did you remove to Mercer county from in February last?

Answer. I removed from Wayne to Mercer last June, and purchased a farm in Mercer in January last.

By Chrisman. Did not Sumpter live in Pulaski county at one time?

Answer. I think he was in Pulaski part of the years 1857 and 1858. I don't recollect how long he remained there.

By same. Where was he living when you hired him to go to Mercer with you?

Answer. He was living in Wayne. He had been in Wayne before I hired him some two or three months. I hired him in February, 1859.

By same. Are not both Horton and Sumpter common day laborers, and their home *wherever* for the time they may find employment?

Answer. They are both common day laborers. I think Horton has always claimed his home at his mother's. Sumpter has always spoken of going home to his father's; and their father and mother live in Wayne. They are grown young men and without families.

R. H. CECIL.

Also the deposition of John Surcy, taken by the same party, at the same time and place, and for the same purpose:

By Anderson. Did you vote at the last August election for representative in Congress between Anderson and Chrisman; if so, whom did you vote for? How long have you resided in the State, county, and precinct where you voted?

Answer. I voted at the last August election for Mr. Anderson for representative in Congress. I had been in the precinct where I voted ever since last June a year ago. I have not been out of the State that I know of for the last eight or ten years. Year before last I was in Casey county, but generally my home has been in Boyle.

By same. Have you a son named John Surcy; if so, how long had he been in the precinct where he voted at the last August election?

Answer. I have a son named John Surcy. I cannot state exactly how long he had been in the precinct where he voted in August. He never did move all his plunder out of the district where he voted. His wife was taken sick, or expected to be taken sick, and he moved his wife and some of his plunder into a different district, taking just what he thought she could get along with until she got on foot again. When he came back into the district where he voted, and had formerly resided, it was sometime in the last of May or first of June. Whether he was a good voter or not I cannot say.

By same. How long had he resided in the State and county?

Answer. He had been out of the State, but came back twelve months ago last Christmas, and has been living in the county ever since.

By same. On which side of the Ridge road, running from Clein's meeting-house to John Christeson's, does Joseph Duncan, Lewis Duncan, and Owen Bushell reside?

Answer. They live on the right hand side of the Ridge road as you go from Clein's meeting-house to John Christeson's.

By Chrisman. Has your son John a family; if so, of how many persons does it consist?

Answer. He has a family consisting of himself, his wife, and child. The child was born sometime in the month of May last; I cannot say exactly what time. The child was born at his wife's father's, which is out of the district.

And further saith not.

JOHN SURCY.

Also the deposition of Joseph McNeil, taken at the same time and place, by the same party, and for the same purpose:

By Anderson. Are you the same Joseph McNeill who voted at Turnersville, in Lincoln county, for Anderson at the August election, 1859; if so, please state how long prior to the election had you resided in the State, county, and precinct where you voted?

Answer. I am the same Joseph McNeill who so voted. I have resided in the State all my life, and in the county and precinct where I voted ever since the 8th day of October, 1858.

By Chrisman. Where do you now reside?

Answer. At Mr. Dillehay's, in Lincoln county. I went there about the 5th of October, 1859. I lived at Fred. Harris', on Isaac Shelby's farm, at the time I voted. I have no family. I work about wherever I can get such employment as suits me. I had not worked for any one else from the time I went to Harris' until the election. I had been away on transient business some four or five weeks before the election, but did not move my home. The absence I speak of was immediately preceding the election. I neither paid board at Harris' nor got pay for my services there while I was absent. My washing was there, and was done while I was gone. I left a good many dirty clothes there, which were made clean while I was gone. I did not stay over two nights at any one place while I was gone. My home for the time is wherever I have employment. I was absent on business exclusively for myself; and considered Mr. Harris' my home all the time I was gone. I moved from Harris' to Danville the day after the election, and since then I have not resided at Harris'. I have had no employment at Harris' since the period when I left on the trip. We had a settlement previous to my going on that trip. I told Mr. Harris, when we settled, that I was coming back to the election, and would consider his house my home until after that time, but he said nothing. So when I came back I went to his house and resided there until after the election, and paid for my washing after that time. I remained three or four nights at Mr. Harris' after I came back before the election. I came back to Mr. Harris' for the purpose of voting. The washing I paid for was that which was done while I was gone. I had no other home for the time being but Harris'.

By Mr. Anderson :

I stated the facts to the judges of the election at Turnersville, and after hearing the facts they took my vote. And further saith not.

JOS. McNEILL.

Also the deposition of A. Blakeman, taken at the same time and place, by the same party, and for the same purpose:

By Mr. Anderson. Do you know John S. Moore, who voted at Perryville, district No. 1, for Chrisman, at the last August election? If so, state what you know of his residence at the time he voted.

Answer. I know Mr. John S. Moore; his father resides in Lincoln county; he came to my house on the 9th day of May for the purpose of going to school, and on the 14th of August moved back to his father's; he left at the close of the session, which was about the time I have named; while he was boarding at my house, if he regarded my house as his home I did not know it; he had such clothing there as he needed; he came to my house for the purpose of returning home as soon as the session closed, which he did.

By Chrisman:

He came from his father's to my house; he is the son of David Moore, of Lincoln county; I have it on my books—the time he came to my house.

By Anderson. Do you know anything of James Hunter, who voted for Chrisman at the same time and place; if so, what do you know about his residence?

Answer. I know there was a young man named James Hunter, who came into the neighborhood about the same time Moore did for the purpose of going to school; he went to school, but where his residence was then, or is now, I do not know.

By Chrisman :

I do not know how long he had resided in the county; I know he did not reside in that precinct, because I know pretty much every man who lives in the precinct; he might have lived in some extreme part of the county, but my impression is he came from Garrard or Lincoln; I do not know the precise time he came into the precinct. but I think he came a few days before Mr. Moore did.

And further saith not.

AARON BLAKEMAN.

Also the deposition of Churchill Yeager, taken at the same time and place, by the same party, and for the same purpose:

By Anderson. What relation are you to Lee Yeager, who voted in district No. 3, Boyle county, for Anderson, at the last August election?

Answer. He is a son of mine; I think he is now about twenty-two years old; he has lived in the State all his life; he went to Missouri on a visit to his brother, a year ago last winter, which is the only time he was ever out of the State; he was in Missouri only two or three months; I cannot say for certain whether he had been in the district where he voted sixty days next before the election or not; he is a carpenter; works from place to place, but always had his home at my house.

By Chrisman. Was not your son, Lee Yeager, in Lincoln county at the election; and did he not demand to vote there?

Answer. He was in Boyle county at the election; came to my house the night before the election; he asked in Lincoln whether he would be allowed to vote there, and they told him no, and he then came home to vote.

By same. Is not your son, Lee Yeager, unmarried; is he not a carpenter by trade; and was he not at work in the county of Lincoln at his trade until the Saturday night preceding the election? If married, has he any children?

Answer. He is married, but has no children. He is a carpenter by trade. He was at work in Lincoln, and came home the night before the election. His wife was with him in Lincoln. He has no house or residence other than mine; and works wherever he gets employment at his trade.

And further saith not.

C. YEAGER.

Also the deposition of Grandison Glascock, taken at the same time and place, by the same party, and for the same purpose :

By Anderson. Do you know Commodore Minor, who voted at the last August election at Rolling Fork precinct, in Casey county, for Chrisman? If so, where did he reside at the time of the election?

Answer. I know him. His wife, at the time of the election, was over in Marion, and he had his washing done in Marion also. He

attended a crop over in Casey ; but his wife and mother had a falling out, and he moved his wife and washing over into Marion county, to his father-in-law's, some time before the election. I do not know his age. It was his first vote. They are still in Marion county; feeding his hogs in that county, and hauling his corn from Casey to his father-in-law's. He makes that his home, and has all the time.

By Chrisman:

He was raised in Casey. His wife moved from there, and he moved his clothes into Marion, which was all he had to move. He worked in Casey, and went to his father-in-law's, in Marion, where his wife was, every Wednesday and Saturday evening. He went off, some four or five months before he was married, to Illinois or Missouri. Came back and married; his wife and mother fell out, and she went to her father's in Marion, and he went there on Wednesday and Saturday nights; and has never been absent from Casey county, except as above stated, so far as I know. I have heard him claim Marion as his residence since the election, but never before. He had been out of Casey into Marion too long before the election to have a vote. This absence from Casey I speak of is the absence when he went to see his wife, and to Illinois or Missouri. He went to Illinois or Missouri, and was not back twelve months prior to the election. He told me before he started that he was not coming back any more. He was gone, to the best of my knowledge, between five and six months; may be over that; but I don't think it was under five months anyhow.

By Anderson. Do you know James B. Royse and William P. Royse, fan-makers, at Haysville, Marion county, who voted at Columbia, Adair county, for Chrisman, at the last August election? If so, where did they reside at the time of said election, and where do they reside now?

Answer. I know them both. They resided at James Crowdus', above Haysville, in Marion county, at the time of the election. James B. Royse resides there yet; and I do not know where William is at. I understand he has gone to some of the upper counties. They came to Haysville about the 15th of December or January last, and had their washing and all done at Crowdus'; claimed that as their home, and worked there eight or ten months, (at Haysville,) where they had their shop, and boarded at Crowdus'. I heard them both say after the election that they had voted at Columbia for Chrisman.

By Chrisman:

They had never been absent from Haysville, except when they were out peddling their fans. When they got a load made up, they would take them and peddle them out. I have resided in Boyle county, about four miles from Haysville. Within the sixty days preceding the election I know I was in Haysville twice a week anyhow, if not oftener. I never missed both of them from Haysville at any time preceding the election. One of them worked at the shop and the other peddled the fans.

And further saith not.

G. GLASCOCK.

Also the deposition of Wm. H. Prewitt, taken at the same time and place, by the same party, and for the same purpose:

By Anderson. Were you one of the judges at the August election, 1859, at precinct No. 2, in Boyle county?

Answer. I was.

By same. When John Hoggin, a foreigner, voted, did he or not exhibit any papers to the officers of election?

Answer. He did not.

By same. Were you present when Wm. Staley, a foreigner, voted; if so, did he exhibit any papers?

Answer. If he voted I have no recollection of it; he did not vote while I was present at the polls. I know that Hoggin is a foreigner, for he told me so, and Staley told me he was also.

By Chrisman:

I asked Hoggin if he had his papers, and he said he had; but just turned off—did not show them. I know he did not have his papers in April, for he told me he did not, and that there was some difficulty about his getting them at Lexington. If either one of the men named have any papers I never saw them.

By Anderson:

I do not know exactly how long A. Fulkerson, jr., had been in Perryville before the election. I know there was a dispute about whether he had been in the county long enough to entitle him to act as clerk of the election, and it was decided that he had, by claiming his father's as his home. His father claimed also that his home was with him. His father had sold out and broken up house-keeping, and was then a boarder—both boarding at Gregg's. Before his father sold out he lived in district No. 1. Gregg's is in district No. 2. A. Fulkerson, jr., is gone from Perryville a great deal; he is not there more than half his time. He had not been in the district long enough to vote in it, except by claiming where his father boarded as his home.

By Chrisman:

A. Fulkerson, jr., gets a little crazy occasionally, and wanders off. So far as I know he always returns to Perryville. When he is in a crazy spell his family sends for him and has him brought back to Perryville. He was gone once eighteen months, I believe. His father has always lived in Perryville since I knew him, and he has always lived with his father when in Perryville. He lived in Somerset, about two years ago, some five or six months. When the sheriff was trying to get a clerk, the subject of Fulkerson's qualification to act as such came up; his father, whose politics are the same as Mr. Anderson's, and who voted for him, said his son was qualified to act, and that he had always claimed his home with him when in Perryville. Young Fulkerson has no property, and his father pays his board.

By Anderson:

I know A. Fulkerson, jr., lived in Louisville, I understood at the

Journal office, some time. He was also a short time in Danville, acting as deputy clerk for Bolling.

By Chrisman:

In 1846 he was sent to the lunatic asylum, and also about three years ago he was sent there again. Some time last spring or summer he wandered off again, and they caught him out about Somerset somewhere. At the time of the last August election his mind was as clear as I had ever known it to be since he commenced having his spells. He conducted the election very well for an inexperienced clerk, but not quite as well as I expected him to do, he having done so much writing. Squire Fulkerson, his father, had lived in the precinct in which he voted sixty days before the election.

By Anderson:

B. W. Moss made application to vote, at precinct No. 2, at the last August election; his vote was rejected by the officers by the casting vote of the sheriff. He came into the precinct, I think, some time in March before the election; he was working about in town, and boarding at Gregg's; he was out in Illinois about a year ago, but I do not know for what purpose; he claimed Gregg's as his residence, and Perryville as his home; said he had always lived there and voted there, and claimed to have a vote there, as he had never voted anywhere else; he, or his wife, owned property in Perryville ever since I could recollect. They had a difficulty, as I understood, and she went off and left him near two years ago; she left part of the children in Perryville, and they have been there ever since, and their father has been there with them most of the time. One of them is now married, and living out in the country; and the other, who is about thirteen years old, lives at John Barker's. He was an old line whig, and since then has been with the opposition; he told me, after the election, he would have voted for Anderson.

By Chrisman:

Moss was up at Crab Orchard a while; he would lay around where his wife was sometimes until she would drive him off; he is now in Perryville, or was yesterday.

And further says not.

W. H. PREWITT.

Also the deposition of Robert H. C. Mitchell, taken at the same time and place, and by the same party, and for the same purpose.

Interrogated by Anderson:

Says Richard Pendegraft told him, the morning of the last August election, that he was going to vote for Anderson. I saw him in the evening of the same day, and he told me he had voted for him. I came to Danville, examined the poll-books, and found his vote was not recorded for either Anderson or Chrisman. I saw him afterwards, and told him he was not recorded for either of them, and he said the clerk had made the mistake, for he had voted for Anderson.

By same. Do you know Samuel Goode, who voted at precinct No.

1, in Boyle county, for Chrisman ; if so, state what you know about his residence ?

Answer. I know Samuel Goode ; he has been living in Harrodsburg for about three years ; clerked in Smedley's drug store a while in that town, and then went to school there ; he came back to Boyle, about the 22d or 23d of July, after the school was out ; I know he had not been back sixty days before the election ; he told me he was going back to Harrodsburg to school as soon as the school commenced.

And further saith not.

R. H. C. MITCHELL.

Also the deposition of John Durham, taken at the same time and place, by the same party, and for the same purpose :

By Anderson. Do you know James T. Haley ; if so, how long have you known him ?

Answer. I know him ; I have known him for five or six years. I think, for about eighteen months before the election ; he claimed Wm. Yates' as his residence, had his washing done there, worked for Yates, and claimed to me that that was his home. Mr. Yates and Mrs. Yates both reside in district No. 3, in Boyle county, where Haley voted.

By Chrisman. Where is James T. Haley now ; and when did you last see him ?

Answer. I do not know where he is ; I am not after him ; I heard he was up at Adam's mill ; I know, at the time of the fuss about his vote at the election, he said he would have to go up to Yates' to get his clothes, that they were all there. He always claimed Yates' before that as his residence ; had his washing done there, and boarded there. The last time I saw him was three days after the election ; he told me then he was going to William Yates' after his clothes.

By same. Were you not examined as a witness before the grand jury of Boyle county, which sat on the Wednesday succeeding the election, touching this vote of Haley ; and did not the grand jury find an indictment against him for illegal voting, at the last August election, upon your testimony ?

Answer. I think not ; if so, they put it down wrong. I told the grand jury that he claimed Yates' as his home, and was very particular about it.

By same. Give the whole of your statement to the grand jury as you now recollect it.

Answer. I said that Jim Haley and Jim Wilson got into a little bust on the day of election, before Hewey's grocery, and Jim Haley drew a pistol on him ; whether he bursted a cap at him or not, I cannot tell ; he snapped his pistol at him anyhow. If I gave any testimony to the grand jury about Haley's vote, I don't recollect it. They asked me where his residence was, and I told them at Will Yates', who lives in gunshot of Mrs. Yates.

By Anderson. Do you know what has become of Abel Reeves, who voted at district No. 3, in Boyle county, at the last August election ; if so, what do you know about his residence, &c. ?

Answer. I know he came along last winter, shortly after I went on the Hustonville pike. He hired to work at Wiley Tye's, and worked there a while, and then went off, but I do not know where to. He said he was hunting work, when he came to my house. I have seen him once or twice since the election, about a week after. He staid all night at my house awhile before the election. We talked about the election, and he said he was only going to give two votes, and they would be for Bell and Anderson. I saw him after the election, and he said he had voted for Bell and Anderson both. And further saith not.

JOHN DURHAM.

Adjourned until to-morrow, Saturday, October 22, 1859, to half-past 8 o'clock.

SPEED S. FRY, *P. J. B. C.*

Met pursuant to adjournment.

Also the deposition of Lee T. Yeager, taken by the same party, on the 22d day of October, 1859, and at the same place :

I am the same Lee T. Yeager who voted at the last August election for W. A. Anderson. I have resided in the State, county, and precinct in which I voted, ever since I was born. I was over twenty-one years of age when I voted.

By Chrisman:

I am a married man and without children. I am a carpenter by trade, dependent upon my labor for a support. I was working on a building in the county of Lincoln, which I had undertaken before the election. I was there at work fifty days before the election; immediately preceding the election I came down to Boyle county, on Saturday evening preceding the election. My wife went to Lincoln with me, when I went up there to work, and we have boarded up there all the time. I was there at work. I returned to Lincoln the next week after voting, with my wife, and have been there ever since at work. I have not finished the work yet.

By Anderson:

I never regarded any other place as my home except my father's, and have never voted in any other precinct except the one in which I voted at the August election. It was the first time I ever had voted. I went to Lincoln for a mere temporary purpose, and never regarded any other place as my home except my father's; and my father's house is in the district in which I voted.

By Chrisman:

I made a contract for my board and that of my wife, in Lincoln county, and expect to pay it; not in money, but in work; and I will go to housekeeping next week, or the week after, in Lincoln county.

LEE T. YEAGER.

Also the deposition of Wm. R. Boice, taken by same party, at same time and place:

By Anderson:

I am the uncle of Geo. N. McNeil, who voted for Anderson at the last August election, and whose vote is challenged by Chrisman. He has never been out of the State at any time more than two years, and has been back about four years. He has been in the county and precinct in which he voted for the same length of time, and he claimed his residence in the precinct in which he voted at the August election.

By Chrisman:

If he took any there at that time I do not know it. He went up to Lancaster, as he said, to open a grocery; but said he did not intend to move up until after the election; but in fact went on Friday before the election. He is a single man. He is a grocer, and went to Lancaster to sell groceries, and was selling when I was up there. On Sunday preceding the election his brother went to Lancaster for him, and when he returned to Lancaster I don't know.

By Anderson. Did you ever hear James S. Chrisman say anything about what would be the effect of his defeat in the contest; did he say anything about mileage and compensation?

Answer. He said he would get his mileage; he would get his pay.

By Chrisman. Did you go to Frankfort at any time since the last August election, and before the certificate was issued to Mr. Anderson; if so, at whose instance did you go; with whom did you go; and for what purpose did you go?

Answer. I went to Frankfort after the August election, and before the certificate of election was issued to Anderson. I went at the instance of Alexander H. Sneed. I went to Frankfort for no purpose except to be in company with Mr. Sneed.

By same. For what purpose did Mr. Sneed go to Frankfort? Did you hear him say?

Answer. He said he was going down to see James Harlan; he did not say for what purpose.

By same. Have you an idea for what purpose he went, and how did you get that idea?

Answer. I have an idea as to what he went for. He went down to see about Anderson's certificate.

By same. What time of day did you leave Danville; what day of the week; what time did you reach Frankfort; and how far is it from Danville?

Answer. I left Danville between 1 and 2 o'clock on Sunday, and reached Frankfort that night about 9½ o'clock; the distance is forty-two miles.

By same. Had any news reached Danville that morning of the discovery of a mistake in the vote of Cumberland county, by which, if corrected, Chrisman would be elected?

Answer. Yes; I heard of it. I heard it, I believe, from Judge Branlett.

By same. Was your visit to Frankfort on that day connected with the information you received in the morning; and was not your visit to Frankfort the result of that information?

Answer. I had no business at Frankfort except to go with Mr. Sneed. I never spoke to James Harlan or Mason Brown on the sub-

ject, and nobody told me to say anything on the subject. I had a conversation with Col. James H. Garrard on the subject.

By same. Was Mr. Anderson in Danville when you started to Frankfort; and if not, where was he?

Answer. He was in Louisville, I reckon.

By same. Did you see Mr. Anderson in Frankfort whilst you were there; and if so, at what time did he reach Frankfort from Louisville, and in whose company did he come?

Answer. He came up from Louisville to Frankfort on Monday in the cars, and reached there about 10½ o'clock. I do not know who came up with him.

By same. Have you not heard Mr. Anderson say that Governor Morehead came up on the same train with him?

Answer. I have.

By same. When yourself and Mr. Sneed reached Frankfort, did you inquire for any particular person?

Answer. I did not. Mr. Sneed went out and did not return for an hour. I do not know whether he inquired for any one or not.

By same. Do you know whether any information, by telegraph or otherwise, was sent to Mr. Anderson or Governor Morehead, that you were in Frankfort; or did Mr. Sneed tell you so?

Answer. I did not. Mr. Sneed did not tell me anything about it.

By same. Was not the object of your visit to Frankfort to anticipate the report of the discovery of the mistake in Cumberland before it could reach there, and to obtain the certificate for Mr. Anderson? And did you not immediately on getting out of the stage at Danville on Monday night, say that your object was accomplished, and that Mr. Anderson had got the certificate; that you saw him with it?

Answer. I answered that question before, and said I had no business in Frankfort except to go down with Mr. Sneed. I never saw Mr. Anderson get any certificate. I did say when I returned to Danville, that I had seen Mr. Anderson get the certificate, and that I and Mr. Anderson had taken a drink over it. The reason I said so was, that I understood that D. W. Jones, M. J. Durham, M. T. Chrisman, and James S. Chrisman were going to Frankfort that night.

By same. Did you not say to M. T. Chrisman, whilst alighting from the stage, that Anderson had got the certificate?

Answer. Yes, I did.

By same. Had you conversed with any person in or from Danville, before you made that communication to me?

Answer. I met some gentlemen about a mile from town, who stopped the stage, and asked me who had obtained the certificate. I told them that Anderson had it. They then said the democratic party was going down to Frankfort that night, and had learned the mistake. I also understood that M. J. Durham had gone out to A. G. Talbott's directly after I had started to Frankfort. I don't know for what purpose.

By same. Did you not tell M. T. Chrisman that the reason why you made the false statement about the certificate on your return was that you were ashamed to confess that the object of your visit to Frankfort was fruitless?

Answer. No, I did not.

By same. Why did you desire to prevent the friends of Chrisman from going to Frankfort, and why did you say that Anderson had got the certificate if that subject had never been spoken of to you?

Answer. I did not want to keep them from going. I told them that Anderson got the certificate because it suited me, and I wanted to tell it.

By same. Was the matter of Anderson's getting the certificate ever alluded to in your presence from the time you left Danville till your return to that place from Frankfort; and if so, by whom?

Answer. It was; it was alluded to in the stage, and Colonel James H. Garrard alluded to it in Frankfort, and said that Anderson was elected by three votes upon a comparison of the poll-books. I suppose Mr. Sneed spoke to me about it; but I don't remember. We talked about a great many things.

By same. For whom did you vote in the election; and have you not been driving Mr. Anderson about through the country since the election?

Answer. I voted for Mr. Anderson to beat the democratic party, and think I did my God and country justice in doing so. I have been driving Mr. Anderson about over the district before and since the election.

By same. Please assign a reason why you think you and they are doing God's service.

Answer. That is one way I had to serve my God, to beat that party.

By Anderson. What is the politics of James S. Chrisman, D. W. Jones, A. G. Talbott, M. J. Durham, and James H. Garrard?

Answer. Democrats.

By same. What akin to James S. Chrisman is M. T. Chrisman?

Answer. Brother.

By same. Did or not Colonel Garrard, who is a democrat, and holds the office of State treasurer at Frankfort, say in the conversation you have spoken of having with him that a mistake of four votes had been certified to the board at Frankfort, which four were to the prejudice of Anderson, and that his opinion was that the board had no right to receive amended returns, and it would be improper for them to certify any such mistakes?

Answer. He did.

By same. When you returned from Frankfort, on Monday evening, did you or not see James S. Chrisman in Danville on his way to Frankfort?

Answer. I saw him here, and he said he was going to Frankfort?

By same. Did he or not go to Frankfort before the certificate did issue and remain there until after it was sent to Anderson?

Answer. He went down that way somewhere, but I don't know where.

By Chrisman. Did not the friends of Mr. Anderson, so far as you heard them say, insist upon receiving the amended returns from Boyle in Mr. Anderson's favor?

Answer. I don't recollect about that. I heard Mr. Ball, a friend of Mr. Anderson, say they would not receive them.

By same. What persons besides Mr. Sneed knew of your intention to visit Frankfort on the day spoken of?

Answer. Nobody, I reckon; I didn't tell anybody.

By same. Do you know of an illegal vote having been cast for Mr. Anderson at the last election?

Answer. I do not.

W. R. BOICE.

Also the deposition of W. A. Harness, taken by same party, at the same time and place.

By Anderson:

I am acquainted with John S. Moore. He is the son of David Moore, of Lincoln county. I have known him since he was born, and have never known him to live anywhere else except at his father's, in Lincoln county.

By Chrisman:

I did not see him for sixty days prior to the last August election. I do not know where he resided at that time; but understood from his mother that he was going to school at Parksville, in Boyle county. I also heard it from other members of the family. He is twenty-one years of age, and was raised in Kentucky.

By Anderson:

He claimed his home at William Gates', in district No. 3, Boyle county, where he voted. He was in jail here some time before the election, and then claimed that as his home; and when he got out of jail he said he was going home to get some clothes.

I have known C. P. Springer since the year 1846. I saw him three years ago this fall in the city of Louisville, and he told me he was living there then. He has never moved back to Boyle county, to my knowledge. He was working about here for about two months before the election. I have not seen him since the election. I understand he is a married man. I never saw his wife.

By Chrisman:

Whilst he was here I saw him at his father's; and whilst he was at work in town I saw him bring his dinner in a little bucket to town with him. His father resides in the district in which he voted. He is a mechanic.

By Anderson:

I had a conversation with him in Danville in regard to the county race between Sneed and McFerran. He remarked that he had something to tell Sneed, but he did not like to do so; he was not a voter here; that his father was a voter, and he not; that he lived in Louisville.

By Chrisman:

I do not know when he left Louisville. He came here some months before the election.

By Anderson:

I know Charles Vars by sight. He voted in Boyle county, district No. 4, for James S. Chrisman. He is a foreigner. He exhibited no

naturalization papers when he voted ; he was sworn. I do not know how long he had been here before the election. I do not know where he is now. I have not seen him since the election. I think he left the next morning after the election on the Lexington stage. I know he had not been here very long before the election, but don't know how long.

By Chrisman :

He spoke in a broken manner. He is a baker by trade, or so I understood. He is a day laborer, and dependent upon it for a support, so far as I know. I suppose the place where a daily laboring man has work is his home for the time. The gentleman with whom he worked lives in Danville, within two hundred yards of the court-house, and knows more about him than I do. I know that Frank O'Neil and James Fitzsimmons are foreigners. I have been jailer for Boyle county for five years, and have lived in the county fifteen years. I live in district No. 3, Boyle county. I do not know any such man in that district as Henry White.

By Chrisman :

I do not know whether Frank O'Neil has any relations in this country or not. I did hear him and James O'Neil claim to be brothers. James O'Neil voted for W. C. Anderson, and is also a foreigner.

By Anderson :

I heard A. G. Talbott, jr., say that he had been living in Missouri. I do not know how long he had been here before the election. He had not been here as much as one year.

By Chrisman :

He is a young unmarried man, the son of A. G. Talbott, residing in the vicinity of Danville. All the time I have known him in Kentucky he has resided with his father. I heard him claim Missouri as his home ; he said he was living there. I haven't seen him since shortly after the election, and I suppose he is away from the county now. When he told me about his living in Missouri I don't recollect. It may have been a year ; it may have been more ; it may have been less. He said he was pleased with Missouri. He has been travelling backwards and forwards between Kentucky and Missouri for some three or four years past, between his father's residence and some property I understand his father owns in Missouri.

W. A. HARNESS.

Also the deposition of E. McNair, taken by same party, at same time and place :

By Anderson :

I am the same E. McNair who voted at Somerset at the last August election. I mean Somerset in Pulaski county, Kentucky. I have been in Kentucky a little more than four years. I got to the Somerset district in Pulaski county on the 6th day of May last.

By Chrisman :

I went from Danville to Somerset. I was residing in Danville previous to going to Somerset, and had been all the time I was

in Kentucky, except three or four months. I had been going to school in Danville, claiming Danville as my residence up to the time I left it. I left Somerset about the 12th of September last; I went to Somerset to preach. I had made no engagement as to the time I was to preach, except generally for the summer. I went there to preach during the summer, intending to leave after the summer was over. It was my only residence for the time, but I went there to stay during the summer, intending to leave after the summer was over. My residence there was merely temporary. I returned to Danville after I left Somerset, and am now residing in Danville. I am still a student in the Theological Seminary in Danville. It was not my intention when I first entered the seminary in 1857 to remain until I graduated. I did not know, when I left last May, whether I would return again or not. I left last May when the session was out, and the vacation was the cause of my absence, and returned as soon as the school was taken up.

By Anderson:

When I left last May to go to Somerset I did not know whether I should return to Danville or not. Whilst I was in Pulaski I regarded that as my home. I had no other home at the time.

By Chrisman:

I only regarded it as my home whilst I was there, and intended to leave.

E. McNAIR.

Also the deposition of John Horton, taken at the same time and place, and by same party:

By Anderson:

I am the same John Horton who voted for W. C. Anderson, in Wayne county, Kentucky. I was 21 years of age at the last August election. Was born and raised in the county of Wayne. I never moved out of Wayne county for the purpose of remaining out. I always claimed that as my home. I voted in the Multen Town district. My mother resides in that district, and I consider her home my home. Whenever I left Wayne county I only left to work, and kept my home at my mother's. My absence was merely temporary.

By Chrisman:

I am not a married man. I have lived part of the last twelve months in Wayne and part in Mercer county. I went to Mercer in February last and have been there ever since, except some seven or eight days, when I went up to Wayne county to vote, last August.

I have have been living with R. W. Cecil, working on his farm in Mercer. I am hired to Cecil as work hand upon his farm, being paid by the month. No one requested me to go to the county of Wayne to vote. I paid my own expenses in going to vote.

I have settled with Mr. Cecil since my return. He took out of my pay for the days I was absent in going to Wayne to vote. I have voted before the last August election, and voted in the same precinct in Wayne county.

I am going to work for Cecil a few days longer. I am a daily laborer, and dependant upon that for my support.

By Anderson:

When I left Wayne to go to Mercer with Cecil, I did not give up my residence in Wayne, and still claim my residence there.

I know George Sumpter, who went with me to Wayne from Mercer to vote. He said he voted. We left Wayne in the winter, together, to work for Cecil in Mercer. He was also hired by Cecil to work, as I was, by the month. Sumpter does now claim Wayne as his residence. I never heard him claim any other place as his residence. I suppose his father lives in Wayne.

By Chrisman:

He is also a daily laborer. I do not know whether he is in Mercer or not. I saw him a few days since; he was going somewhere, but I do not know where. It is, however, near to where Cecil lives in Mercer county. He has no family. I think he paid his expenses to go to Wayne to vote at the last August election.

JOHN HORTON.

Also the deposition of George Beddow, taken at the same time and place, by the same party, and for the same purpose:

By Anderson:

I am the same George Beddow who voted at Crab Orchard, in Lincoln county, for Anderson, at the last August election. I have lived in Kentucky, going on twenty-three years. I have lived in Lincoln county for several years—ever since I can recollect. I have lived in the Crab Orchard precinct of that county all the time I have been in the county. When I voted at Crab Orchard, in August last, I regarded that as my home, and so regard it yet. I have never regarded any other place as my home. My father lives there; I have never voted in any place else; I voted there in May and August last, which is all the voting I have done. I was twenty-two years old, I think, the 16th day of last September.

Cross-examined.

By Chrisman:

I am a mechanic, a carriage trimmer. I came to Danville, I think, last February—a year ago—1858; I came here to learn a trade; I have not been here all the time, though; I have been living at Crab Orchard three months of that time; I left here in March, and came back some time in June; I worked some at my trade while up there; I am now engaged at work, and have been ever since the election, in the town of Danville; I have no family; I am not engaged in Danville for any particular time—only from Monday morning till Saturday night; I am dependent upon my daily labor for a support; I have been up home since June last, but have generally been in Danville since that time.

Examination resumed.

By Anderson:

Danville is in the same congressional district as Crab Orchard. I

suppose I could have voted for Anderson as well at Danville as at Crab Orchard ; I went to Crab Orchard to vote because I regarded that as my home, and my proper place of voting.

By Chrisman :

I went up to Crab Orchard to vote, on Saturday night before, and came back on Tuesday after, the election. I don't know that I consulted with anybody about where I should vote. I believe I did consult with Mr. Sneed, who wanted me to vote here, so that I could give him a hoist, but I told him I regarded Crab Orchard as my home. I have no property in Crab Orchard ; I treat it as my home because my father lives there. I have as much property there as anywhere else. My father recognizes that as my home, and I am treated as at home when there. And further saith not.

GEORGE G. BEDDOW.

Also the deposition of James H. Williamson, taken at the same time and place, by the same party, and for the same purpose :

Examined by Anderson :

Says I am sberiff of Boyle county, and have been for some time past acting as constable. I have a pretty general acquaintace in this end of the county, particularly in district No. 3. I know no such man in that precinct as Henry White ; never have known such a man. I know C. P. Springer. I know he has been living in Louisville for four or five years, I think. He was keeping house there once when I was there, and he has told me frequently since that he was living there still.

Cross-examined.

By Chrisman :

Mr. Springer is a married man. He was in this county for the sixty days preceding the election, at his father's. His father lives in the same precinct in which he voted. He is a painter by trade. I do not know whether his wife was with him in the county of Boyle or not. I never saw her.

Examination resumed.

By Anderson :

I know James T. Haley. He claimed his residence, at the time of the last August election, at Yates'—I think at Mrs. Yates'. Wm. Yates and Mrs. Yates live close together—not more than a hundred yards apart—both in district No. 3, where Haley voted. I know Wm. Beazley, a mute, a painter by trade. I have known him three or four years. He has been in this county all that time, so far as I know, except when he was off painting. I know he has voted here. He voted here last August ; was a year ago. I don't know of any other time.

By Mr. Chrisman :

Beazley, for the last year, has been residing in the lower end of the county with Mr. Crowder. I do not know that he has been in the county continuously for twelve months. I have seen him very frequently in the last twelve months in the county. I cannot tell whether there are twenty men at Perryville who know more about Beazley's residence than I do or not. He has been living

ten miles from me, near to the village of Perryville. I have not had my attention particularly called to his movements in the last twelve months or two years, and he may in that time have been out of the county and State without my knowledge.

By Mr. Anderson :

The reported majority in this county for Anderson before the comparison of the polls was 490.

By Mr. Chrisman :

The majority for Anderson, as certified after the polls were compared, was 486. I got information the night of the election that the majority was 490.

By Mr. Chrisman. When, after the votes were counted by the county officers and reported by them at 486, did you first learn that Mr. Anderson claimed that his true majority was 490; and how did you learn it?

Answer. They compared the polls on Thursday after the election. Until that time, everybody was under the impression that the majority for Anderson in this county was 490. I heard, the first of the succeeding week, Monday morning, I think, after I came to town, that there had been a mistake discovered in the majority certified, that they had certified four votes less for Anderson than there really was. I heard it in town from some person, I don't know who. It was the general talk in town when I came in.

By same. Were you ever present at any examination of the poll-books after the election, and outside of the clerk's office?

Answer. Never, sir. I never saw the poll-books outside of the office.

By same. Do you know of any vote being cast for Mr. Anderson, at the last August election, which you believe to have been an illegal vote?

Answer. I do not know of any which, from the circumstances and facts I have heard, I believed to be illegal.

By same. Do you know of any votes which, from your personal knowledge of the facts, were illegal?

Answer. I do not.

And further saith not

J. H. WILLIAMSON.

Also the deposition of Henry Hamilton, taken at the same time and place, by the same party, and for the same purpose :

Examined by Anderson.

George D. Masonheimer and myself married sisters. He voted here at the last August election in district No. 3. His wife left Columbia, Adair county, about the first or middle of May last. Her boxes of bed clothing, &c., were marked to my care, and I opened one of the boxes before I knew what they were. When she came up she told me she had left there permanently; she did not expect to go back again. Masonheimer claimed this as his home at the election. His family had all been here more than sixty days before the election. They came all together. He went back to wind up his business, with the expressed intention of returning here, and his family staid here all the time he was gone. He has been in the State about six years, I think.

Cross-examined by Chrisman

I think Masonheimer came up with his wife in May; that is my recol-

lection. His wife told me, in speaking of her plunder, that she did not expect to go back again. He told me, also, that he expected to leave Columbia, as this was his home, as soon as he wound up his business in Columbia. He stated to me, before the election, that he would have voted in Columbia, but he thought he was not entitled to vote there. When he came up in May, he remained here several days, I do not recollect how long. He went back to Columbia to wind up his business, and to finish what work he had on hand, I suppose. He came back to Danville a week or such a matter before the election—I don't remember what day. He had been living in Columbia one or two years; perhaps longer. He is a shoemaker by trade. He is now in Danville, and, I expect, is better informed in regard to the facts than I am.

By Anderson :

Columbia is in the same congressional district as Danville, and Masonheimer could as easily have voted for Anderson there as here, if he had been entitled to vote there.

And further saith not

H. HAMILTON.

Also the deposition of John F. Virden, taken by same party, at same time and place :

By Anderson :

I know a man by the name of Martin; the same man who worked for Dr. E. P. Humphrey, in Danville. I never had any conversation with him about his right to vote here. I asked him if he had come back here to stay. He said he had not. He said he had some unsettled business here which he had come to attend to. I think he came back here some time in July last, a short time before the election—less than sixty days before. He had been absent from the county, at that time, some time; I think over a year—may be two years. He left the county shortly after the election. At least I saw him on the stage, and he told me he was going to Louisville. I do not know that he is now in the county. Dr. Humphrey, with whom he worked, I believe is now in the town of Danville.

By Anderson :

I know A. G. Talbott, jr. I know he has been absent for some time, but whether from the State or not, I cannot say. I have heard him speak of being in Missouri. I know nothing of his being with a travelling circus. I heard he was with a circus as a clown, out there at some place.

By Chrisman :

A. G. Talbott, jr., is a young man unmarried, and when in Boyle county, lives with his father in the 4th precinct.

By Anderson :

I know Wm. Beazley, a mute, painter; I have known him six or eight years; six years anyhow. He has been painting around and I have seen him frequently here, but do not know anything about his residence. He may have been out of the State, in twelve months, for all I know. And further saith not.

J. F. VIRDEN.

Also the deposition of George R. Smith, taken at the same time and place, by the same party, and for the same purpose :

By Anderson :

I know Benj. Bruner ; I have known him five or six years. He has been living in this county ever since I knew him, until latterly he has been working out of the county, and living out of it, I suppose. At the last August election he claimed his residence in Danville, at Smith's principally ; I suppose, at least, he claimed his residence in Danville, and also voted here. He claimed his residence here ever since he has been living here ; I had a talk with him ; he said he had no right to vote anywhere else ; that he had a part of his clothes here and was only working off temporarily.

By Chrisman :

Bruner was absent from this county some months immediately before the election. He was working at Merritt's, in Garrard county. He has been absent, though, some three or four different times. I think he came back here the day of the election ; it might have been the day before. He is a common laborer, and has no family that I know of ; no property in Danville, except his clothing, that I know of ; he is still working at Merritt's, I think, at the coopering business ; at the last time I heard of him I think he was there, but spoke of coming back here. I think he remained here about a week after the election, and has been back several times since, but has not been permanently here for any length of time since.

By Anderson :

Bruner has no property anywhere else than here, that I have ever heard of. Sometime during the summer he came back here sick, to get some of his clothing, and staid here sometime. He said then, that this was his residence, and that he expected to come back here to vote. He has always claimed this as his residence ever since I knew him.

By Chrisman :

I don't know for certain that Bruner was sent for immediately before the election ; if he was, it was at his own request ; I heard some one say they were going after him ; that he had sent word that some one must come ; that he had no way of getting here himself, and if they would bring him he would pay expenses ; my horse and buggy was not sent for him, and I did not go myself ; Merritt's, in Garrard county, is twelve or fourteen miles from Danville ; Bruner is a tolerably stout man—has been—but his health has not been very good lately ; it was very bad at the time of the election ; he said he had the chills and fever ; I guess he has travelled a little every way, according to my information ; he rides from here to Merritt's ; I have never known him to walk there ; I did not see him start back after the election, but heard him say he had his buggy at the stable ready for him.

By Anderson :

I know El. Preston ; have known him ever since I have been in the county, some seven or eight years, I suppose ; I think he has resided in this county, in precinct No. 3, ever since I knew him, so far as I know.

By Chrisman:

I do not know where El. Preston has been for the last twelve months; I have not been with him all the time; I do not know of any illegal vote having been given for Anderson at the last August election; if I knew any I have forgotten it; I don't know any of that kind.

By Anderson:

I don't know anything about any illegal votes being cast for Chrisman at the last August election. And further saith not.

GEORGE R. SMITH.

Also the deposition of E. P. Humphrey, taken at the same time and place, by the same party, and for the same purpose:

By Anderson:

I know a man named Nicholas Walter; he left Boyle county, as nearly as I can recollect, a year or eighteen months ago; he had worked for me and other gentlemen, as a carpenter, before, and he went from here to work for Rev. Mr. Robinson, in Jefferson county; Mr. Robinson had moved from here permanently, and Walter went soon afterwards, under an engagement with Mr. Robinson. If my house was considered Walter's home while he was gone, I never knew anything of it; I did not so regard it, and do not suppose he did; for the last four or five months before he went away he was boarding at Mr. Sneed's, and came from there to my house to do what work he did for me; he is unmarried; I believe he is a German.

By Chrisman:

I never saw Walter's papers; I do not remember that anything passed between us in regard to his naturalization; I had a general understanding that he was naturalized; I understood that Walter's engagement with Mr. Robinson was indefinite, that it depended for duration altogether upon what amount of work Mr. Robinson had for him to do; about the 20th of July I saw Walter in Louisville, and he told me then he intended to come back to Danville; he is now in Boyle county, working at Mr. Maury's; when Walter left here to go with Mr. Robinson, I heard him express no intention to come back; he expressed nothing upon that subject to me. And further saith not.

EDWARD P. HUMPHREY.

Adjourned until Monday morning, October 24, 1859, at 9 o'clock.

SPEED S. FRY, *P. J. B. C.*

Met pursuant to adjournment, Monday, October 24, 1859.

Also the deposition of George D. Masonhimer, taken by the same party, on the 24th day of October, 1859, and at the same place:

By Anderson:

I am the same George D. Masonhimer who voted for William C. Anderson at the last August election, in precinct No. 3, Boyle county, Kentucky. I have been in the State about seven years, and have been in the precinct in which I voted since last May, about the 7th or 10th day of the month. I claimed my residence in that precinct from that time up to the election, and do yet. My family has been with me, residing in the district.

By Chrisman :

I am a shoemaker by trade, and dependent upon my trade for support for myself and family. I left Danville with my family, in the year 1856, and went to Columbia, in Adair county, and continued to reside there until my family came to Danville in 1859. I returned to Danville in company with my family when they returned. I continued to reside with my family, in Danville, a few days after they came up. I went back to Columbia to settle up some business I had there, and worked some at my trade. I remained there until about the 26th day of July last. I did not vote in the May election, for constables, &c., in Adair county.

By Anderson :

When I left Columbia, with my family, to come to Danville, I had partially made a trade with another man to take my business in Columbia, who was taken sick and could not attend to it, and I had to go back to attend to it. I left Danville with the intention of returning soon, but owing the sickness of this man I had to remain longer than I had intended. I was sworn at the poll when I voted, and made a statement of my case, upon which they suffered me to vote.

G. D. MASONHIMER.

Also the deposition of James S. Haley, taken by the same party, at the same time and place:

By Anderson. How long have you resided in Kentucky ; how long in Boyle county ; and how long in the precinct where you voted at the August election, 1859 ?

Answer. I was born and raised in Lincoln county, and have never been out of the State but once in my life. I have been living in Boyle county, off and on, ever since the 6th day of June, two years ago. I don't recollect of being out of the precinct in which I voted last August, during the two years, except at Bradfordsville three months, and then a portion of my washing was at Mr. Yates' and a portion at my father's in Lincoln county ; but my father's is not my home.

By same. Where did you reside for more than sixty days prior to the election in August, 1859 ; and where did you claim your home ?

Answer. My washing, from the 13th of June, was at Wm. Yates' in Boyle county, in precinct No. 3. Previous to that time I was under Colonel Dods, in jail, in Lincoln county ; but would have been at Yates' if I had not been in jail.

By same. While you were in jail, did you not claim Yates', in Boyle county, as your home, and intend, as soon as you were released, to return there ?

Answer. I did.

By Chrisman. Are you not a day laborer, and dependent upon your daily labor for support ?

Answer. I am.

By same. Is not your home and residence at the place which, at the time, you may be working at ?

Answer. No, sir ; I consider wherever I keep my washing my home.

By same. Upon what charge were you confined in the jail in Lincoln county ?

Answer. I was taken up under a writ. Jasper Rowsey shot James Oldham on Sunday, and I was taken up under a charge of being accessory to the shooting.

By same. Where were you at work at that time?

Answer. At that time I was not at work at any place; I hardly ever work on Sunday.

By same. Where had you been at work previous to that time, and how long?

Answer. I had not worked a day in three weeks previous to that time, to my recollection.

By same. What were you doing during that three weeks, and where did you reside in that time?

Answer. Principally I was drinking whiskey, and the balance of the time, perhaps, I might have been playing cards, or perhaps something else. One week of the time I was near Bradfordsville, Marion county; one week in Boyle, and one week in Lincoln.

By same. Previous to the election had you been at work at Adams' mill, out of Boyle county?

Answer. I had worked there some four days and a half; it was in July, previous to the election.

By same. Are you not the same James S. Haley now indicted, in Boyle county, for false swearing on your application to vote in precinct No. 3 at the last election?

Answer. I suppose I am. I am the only one who goes by that name that I know of.

By same. Where have you resided since the election?

Answer. Ever since the election I have been at work for Mr. Duncan and Mr. Adams, on the edge of Casey county.

By same. How soon after you voted did you leave Danville and go to the mill of Adams' to work?

Answer. I left in a right smart hurry after I voted, and went to Adams' on Thursday afterwards, but did not do any work until Monday after the election. I knocked around about the mill until Monday, and then went to work.

By same. Have you resided in Boyle county since the day of the election?

Answer. No. My washing I took home to my father's on Friday after the election; but if I had not engaged to work at the mill until Christmas, I would not have moved my washing. I expected when my engagement was out to go back to Yates'.

By same. When did you make the contract to work at the mill till Christmas?

Answer. I made it with old man Adams the day after the election. He had spoken to me before the election to work for him, and I agreed to do so provided he would give me what I asked, and he told me he would let me know when he came up, but did not come until after the election.

By Mr. Anderson. Were you or not bailed out of the Lincoln jail; and did you not make your appearance at court; and did or not the grand jury fail to find any indictment against you for being accessory to the shooting of Oldham?

Answer. I was bailed out of jail; went to court, and the grand jury

found no indictment against me for being accessory to the shooting of Oldham.

By same. Why did you leave town so soon after you voted?

Answer. There were several men here after me with pistols, &c., and I thought best to get out of danger.

By same. Are not the counties of Casey, Lincoln, and Boyle, all in the same congressional district; and could you not, if you had been entitled to vote, in Lincoln or Casey, have as easily voted for Anderson there as in Boyle?

Answer. If I had not thought I was entitled to a legal vote in Boyle, I would have voted in Hustonville, Lincoln county, for Anderson. Believing I was entitled to a legal vote in Boyle, I voted here. The three counties named are all in the same congressional district.

By same. Were you not sworn when you voted, and made a statement of your case, and upon that the officers of election permitted you to vote?

Answer. I was.

By Chrisman. In what county have you done the most work in the last twelve months?

Answer. I have worked in Lincoln, Casey, and Boyle, in the last twelve months; but the principal part of the work I have done in that time has been done since the election in Casey county. I have been trying to make arrangements to live without work during the last twelve months.

By same. What arrangements have you been trying to make?

Answer. I have picked up an idea that I could win my living.

By same. In what county have you spent the greater part of your time for the last twelve months?

Answer. The biggest portion of my time I have spent in Lincoln county, in Stanford, whilst in jail; I was there forty-three days. The balance of the time I was harvesting around there. I cradled in the neighborhood for sixteen days after I got out of jail; but my washing was still at Yates'. I came on to Mr. Helm's, and expected to cradle there also; but he concluded to have no more grain cut, and I then came on to Yates', and staid about there until the election.

By same. When was you discharged from jail?

Answer. I think on the 13th of June.

And further saith not.

JAMES S. HALEY.

Also the deposition of Nicholas McDowell, taken by same party, at same time and place:

By Anderson:

The day after, or a few days after the election, I was at the house of William B. Bowman's, in Boyle county, and he told me he had not voted at all in the race between Anderson and Chrisman. I also understood that his vote was recorded for Chrisman, after that time. Bowman told me this before they knew the result of the election. Bowman resides in Boyle county, in precinct No. 2.

NICHOLAS McDOWELL.

Also the deposition of J. B. McNeil, taken by same party, at same time and place:

By Anderson :

I am the brother of George N. McNeil, who voted for W. C. Anderson at the last August election in Danville. He has been living in the State, county, and precinct in which he voted about two years, and perhaps more. He resided in the district in which he voted at the time of the election, and claimed that as his residence, and had been residing there for sixty days before the election. He claims his home in Danville now. He is interested in business in Danville. We have a branch of our business house in Lancaster. He stays there a part of the time, and I stay there a part of the time. We both claim Danville as our home.

By Chrisman :

He is a merchant. We have a business house in Lancaster. He superintends the business there when he is there, and I do when I am there. He left Danville on Monday preceding the election, and went to Louisville to purchase a stock of goods for Danville and Lancaster both. I think he got to Lancaster on Friday preceding the election. A part of his goods reached Lancaster before Friday, and part of them on Saturday. He remained in Lancaster until Sunday evening before the election, when he came to Danville. He came to Danville to vote. He left on Monday evening after voting. He has spent a greater part of his time since that in Lancaster, Garrard county, out of this congressional district. I think he has spent something like a week or ten days altogether in Danville since that time. He has paid several visits to Danville since that time. He came to Danville for the purpose of attending to his own business and settling up the business of McKay and McNeil. He is an unmarried man. It is not the arrangement of the concern that the Lancaster branch is to be superintended by George N. McNeil exclusively. He has a negro woman hired in Danville, but no other property outside of the firm.

By Anderson :

He did not move his clothing from Danville until after the August election, but has since. He has no property outside of the firm in Garrard county except a fine horse.

J. B. McNEIL.

Also the deposition of Samuel H. Gregg, taken by same party, at same time and place :

By Anderson. Do you know J. T. Reynolds, who voted at Perryville, district No. 1, in Boyle county ; if so, state how he voted and what he said to you upon that subject ?

Answer. I know J. T. Reynolds. He told me the day of the election that he had voted, and had voted for W. C. Anderson.

By Chrisman. Did you not know better at the time ; and is not Reynolds living in Boyle county ?

Answer. I did not know better. He is living at this time in Mercer county ; but am not certain. I haven't seen him since he moved.

By same. Did you have any conversation with him on this subject since the election ?

Answer. Not since the evening of the election.

By same. When did you first learn that his vote was recorded for Chrisman?

Answer. I first learned it about four weeks ago.

By same. Have you seen him since you learned it?

Answer. I have not.

By same. How far do you understand he lived from Perryville when he voted, and how far from Danville?

Answer. He lives, I understand, on Salt river, between Harrodsburg and Perryville.

By same. How far is it from Danville to Perryville, from Danville to Harrodsburg, and from Perryville to Harrodsburg?

Answer. It is about ten miles from each place to the other.

By Anderson. Are you or not, and were you or not, a hotel-keeper in Perryville at the election; if so, did you not keep boarders; when did A. Fulkerson, jr., come to your house to board?

Answer. I am a tavern-keeper in the town of Perryville, Boyle county, Kentucky; Abram Fulkerson, jr., was sent to my house the 15th day of April last, by his father, from the south, deranged. He got out, ran off, and got back the 17th day of June last. He staid there all night; I asked him for his bill; he said he had no money. I told him I could keep him no longer. Dr. Bolling offered to pay his bill until his father got up; before his father returned he left, and never returned any more until July, and has been at my house off and on ever since.

By same. Has not A. Fulkerson, jr., lived about Perryville the greater part of his time since you knew him. Is he not subject to occasional aberrations of mind, and when in that condition does he not wander off from home?

Answer. He has lived about there ever since I knew him. I know nothing about his aberrations of mind; I never saw him in that condition until the time I have above alluded to. I went to Perryville to keep tavern the 20th day of last December.

By Anderson:

I don't charge anything for his board. His father won't pay it, and I can't get anything for it.

By Chrisman:

His father moved to my house, from precinct No. 1 to No. 2, shortly after I went there to keep tavern; Abram Fulkerson, jr., voted at precinct No. 2, in which my house is situated.

By same. Do you know the handwriting of W. R. Bowman, who voted in precinct No. 2, in Boyle county; if so, look at the paper marked X, and see if it is signed by him in his own genuine handwriting?

Answer. I know the handwriting of William R. Bowman; the handwriting and the signature on the paper before me is the handwriting of William R. Bowman; I saw him write it.

By Mr. Chrisman:

William R. Bowman lives in Boyle county about seven or eight miles from Danville; I don't know what his politics are.

Question by Mr. Anderson. Do you know anything in regard to the residence of Samuel Goode, who voted for J. S. Chrisman at district number one, in Boyle county?

Answer. He is living at his mother's in Boyle county at this time ; he had been living in Harrodsburg previous to the election ; about fifteen days previous to the election he left his trunk at my house by himself, moving from Harrodsburg to his mother's in Boyle county.

By Mr. Chrisman. Is he not a single man ? what do you believe to be his age ? and do you know where at any time he has claimed his residence ?

Answer. He is a single man ; I think he is about twenty-one years of age ; I do not know where he has at any time claimed his residence.

S. H. GREGG.

Samuel H. Gregg's deposition reopened.

By Mr. Anderson:

I know B. W. Mors ; he lived at my house in Perrysville at the time of the election ; has been there ever since I kept house in Perryville. He did offer to vote in the precinct where he boarded, but was refused a vote. He did claim Perryville and my house as his home, longer than sixty days before the election. He voted there at the May election 1859, and had been there more than sixty days before that election. He has been living in the State ever since I knew him—some eight years. He said he intended to vote for William C. Anderson, if he had been permitted to vote.

By Mr. Chrisman:

He said at the time he offered to vote and since, that he intended to vote for Anderson. I suppose every officer of the election had been longer acquainted with B. W. Mors than I have.

By Mr. Anderson:

I know George Jones ; he voted for W. C. Anderson at the last August election.

S. H. GREGG.

Also the deposition of Robert W. Washington, taken by same party, at same time and place:

By Mr. Anderson:

I was one of the judges of the election last August, in precinct number four, for Boyle county, Kentucky ; I saw a man's name on the poll-books whose name is Charles Voss ; I do not recollect anything about it except what I saw on the poll-books.

ROBERT W. WASHINGTON.

Also the deposition of George W. Doneghy, taken by same party, at same time and place:

By Mr. Anderson:

I have been sheriff of Boyle county for a number of years, and am well acquainted with all parts of it. My understanding, and as I have always recognized the line between districts number one and three of Boyle county, is this: where the line at Salt river, the halfway point between Danville and Perryville, the line commences on Salt river near Andrew Knox's, and runs southward with the meanders of Salt river to the foot of the knob below Cline's meeting-house ; then up the knob to the meeting-house, including the meet-

ing-house in district number three, then in a straight line southward to the Casey county line.

[The counsel for Mr. Chrisman excepts to the question and any answers which speaks of the division lines between the several districts, because the duty of districting is devolved by law on the county court, and it is required by law to keep a record of its acts, which alone is evidence of them.]

By Chrisman. Is it not your understanding that the lines of districts Nos. 1 and 3 have been changed since they were first marked out?

Answer. So far only as the houses of James Oldham and John Rowsey are concerned have they been changed; both of these houses are situated between Knox's and Cline's meeting-house, and do not affect the line from Cline's meeting-house on to Casey line. John Christer-son, I presume, resided in district No. 3, in Boyle county; he always voted at Danville, in that district. It was always regarded that all the voters residing on the right-hand side of the road from Cline's meeting-house to John Christer-son's, from north to south, resided in district No. 1, and voted at Perryville, in that district; they paid their taxes in that district. All the Duncans living in district No. 1 are of one family; I think the Duncan's all voted in Danville, from the fact that I saw them all here on that day; but I did not see any of them vote, and do not know that they did vote here, but the poll-books will show where they voted.

By Chrisman. Were you present at any time when the lines of the precincts were run; have you ever seen the report of the commissioners who districted the county; and do you know anything of the lines except from rumors?

Answer. I never was with the commissioners when the lines were run, nor do I think they ever were run; I think the commissioners met in Danville and designated the boundaries of the districts without ever going upon them; I know that is the way they did it. I did see their report, I saw it in manuscript form; I do not know whether it was ever put to record or not; I do not know that the report I saw was ever presented to the court for record, but always recognized it as containing the boundaries of the district, and so recognized it when I divided the county with my deputy, when I was sheriff, and the lines were so recognized by the public; I have been very well acquainted with the voters of Boyle county.

By same. Does not William Phillips, Warner, and others, who you know, and who have voted at Danville, also reside out of precinct No. 3, where they voted?

Answer. No; I know they reside in district No. 3, Boyle county.

By Anderson:

I know no such man in Boyle county, district No. 3, as Henry White; I know no such man as Abel Reeves in Boyle county; I know A. G. Talbott, jr.; he is not in Boyle county at this time, to my knowledge; I think he went to Missouri shortly after the election, at least I have not seen him in Boyle county since about the 8th or 9th day of August last; I do not know where he is—he is not here; I understood he was in Missouri; he was away from here eighteen months, at least, prior to the election. I do not know that his father purchased a farm for him in Missouri; I have understood

so ; he is a young unmarried man. I heard that his father had purchased a farm for him in Missouri and located him upon it ; I did not hear it from any of his family or from him ; I understood, but do not know from whom, that he claimed his residence in Peters county, Missouri. I know B. W. Mors ; I should say that B. W. Mors had lived in Perryville, Boyle county, since about the year 1829 ; district No. 2 embraces a part of the town of Perryville, and the tavern-house of Samuel H. Gregg in said town.

By Chrisman :

He has lived in what is now district No. 2, since the year 1829, in Boyle county, Kentucky ; he has not been absent from Kentucky, to my knowledge, during that time, to establish any other home except Perryville, though he may have been absent without my knowledge ; he has, as he told me himself, claimed Perryville as his home. The officers of election, in district No. 2, are all acquaintances of B. W. Mors, and live in the same neighborhood ; I believe they are acquaintances of his ; they have lived in the neighborhood of Perryville for years.

By Mr. Anderson :

I know William Beasley, a mute. I have known him several years. During the time I have known him, he has been living and voting in Boyle county ; he never was refused a vote. He works and hires with Mr. Crowders, a painter, in district number one, in Boyle county. Crowders lived in that district in 1854, and also in 1856, and voted there, and so did Beasley. He has never to my knowledge been out of the State, making his residence, but he may have been out of the State without my knoweldge. He is a single man, and a painter by trade.

G. W. DONEGHY.

Also the deposition of James Crowders, taken by same party, at same time and place :

By Mr. Anderson :

I am acquainted with James B. Royse and William P. Royse, fan-makers, at Haysville, Kentucky, Marion county. I have known them since the last of last November. I saw one of them, James, before that ; they have been living there ever since. William has been absent for four weeks past ; said he was coming back ; has not returned as yet. They have had a shop there, carrying on business regularly. James B. Royse and a man by the name of Rowler, made a bargain at the May election that neither of them would vote at that election. Royse said that if Rowler voted he would also vote. They were on different or opposite sides in the race for constable at that election. I heard them say, that is, Messrs. Royse, that they had voted in Adair county at the last August election. I do not recollect whether they ever claimed Columbia, Adair county, as their residence or not. They said their father lived near Columbia. I do not recollect how long before the election they went to Columbia to vote ; a short time though, I think, and returned to Haysville shortly after the election. They are still there, that is, James is there, and William said he was going to return there. Haysville, in Marion county, is not in the fourth congressional district, where Chrisman and Anderson were candidates.

By same. Do you or not know that the Royses, or either of them, had fans sold payable on the election of Chrisman?

Answer. That is what I was told by them and others.

By Mr. Chrisman:

I do not know that Rowler, with whom Royse made the arrangement not to vote, was under age. I have heard he was since the election. He looked as though he might be twenty-five years old.

JAMES CROWDERS.

Also the deposition of J. B. Cabbell, taken by same party, at same time and place:

By Mr. Anderson:

I know James B. and William P. Royse, fan-makers, at Haysville, Marion county, Kentucky. In reference to their residence, I confirm the statement of Mr. Crowders. They sold two fans, that I know of, payable upon the election of Chrisman over Anderson.

By Mr. Chrisman:

They are both unmarried men. One of the bets spoken of was made with M. W. Crowders, and the other with me.

By Mr. Chrisman. Are you not pecuniarily interested in the result of this contest?

Answer. At this time I don't think I am.

By same. Did you execute a note for or agree to pay for the fan when Chrisman was elected?

Answer. I agreed to pay for the fan when Chrisman was elected.

By same. Have you yet settled the matter of your bet?

Answer. I considered the matter settled when Anderson got the certificate.

By same. If it turns out in this investigation that Chrisman got the most legal votes, do you not consider that Chrisman was elected?

Answer. Of course I do.

J. B. CABELL.

Also the deposition of Samuel P. Barber, taken by same party, at same time and place:

By Mr. Anderson. Do you know anything in regard to the vote of Nicholas Walter, who voted at Danville, precinct No. 3, at August election, 1859, for Chrisman; if so, state what you know?

Answer. A few days after his return from Louisville, he was in my shop; I asked him the news, and how he happened to come back to Danville, his answer was about this: I claim Louisville as my home, and had it not been for some debts, I should have remained in Louisville. I asked if he intended to vote; he said he did not think he had a vote, but if on examination he was entitled to a vote, Sneed and Chrisman should receive his vote. He had been absent from the county some twelve or eighteen months. From his conversation with me at that time, he claimed Louisville as his residence or home. It might have been sixty days before the election, but my impression is it was more than sixty days; that he deferred from voting under the sixty days rule. I know A. G. Talbott, jr.; he has been living

in Missouri for the last eighteen months or two years. My impression is he left a few days after the election. I only heard that his father had purchased land for him in Missouri, and located him there.

By Mr. Chrisman :

Answer. I have not been in the State of Missouri in the last two or three years.

By same. Were you not an active partisan of W. C. Anderson; voting for him at the election?

Answer. I felt deeply interested in his run.

By same. Were you ever present at any examination of the poll-books of Boyle county, subsequent to the election; if so, where was that examination made; when was it made; if more than once, how often; and who was present when that examination was made?

Answer. I was once present at the examination of the poll-books of Boyle county after the election. It was made in J. F. Bell's law office; it was on the Sunday after the election; G. W. Doneghy, (who took no part in it,) John Cowan, A. H. Sneed, W. C. Anderson and myself, are the only persons who were present at the examination.

By same. Was not each of the persons present, sworn and active partisans and friends of Mr. Anderson?

Answer. They were, to the best of my knowledge.

By same. When did you hear, for the first time, that the examiner of Boyle county, had made a mistake in counting the votes for Mr. Anderson; raising his majority from 486 to 490 votes?

Answer. I was told by Mr. A. H. Sneed, all the time, that the majority was 490, instead of 486. I understood on the day the examiners had met to compare the poll-books, they had reduced the majority from 490 to 486. I understood on Thursday after the election that the examiners had made a mistake. I understood it from street talk—common rumor.

By same. When did you first learn for yourself that the examiner had made a mistake?

Answer. Not until I had examined the poll-books, to a certainty, on that Sunday.

By same. Were you in daily and in almost hourly intercourse with Mr. Anderson from the day of the election until you made the examination spoken of?

Answer. I was not. I saw him every day, sometimes twice a day; but was not in daily or hourly communication with him.

By same. When did Mr. Anderson profess to have discovered that the examiners made a mistake against him?

Answer. A few hours, or perhaps a day, after they had made their report or signed the certificate. My information was more particularly from others than from Mr. Anderson. Mr. A. H. Sneed contending all the time that 490 was the real majority of the county of Boyle.

By same. Was Mr Sneed either clerk, judge, or sheriff of the election, keeper of the poll-books, or clerk of the Boyle county court, to whom, by law, the books are to be returned?

Answer. He was neither. He was elected representative from

Boyle county to the legislature, and has a true knowledge of the vote of Boyle county.

By same. Was not Mr. Sneed in Perryville until about four o'clock in the day; and did he not come to Danville about five o'clock, and remain there until the polls closed?

Answer. He was in Perryville during the day, and came home late on the day of the election. He received a communication from Perryville, after the polls closed at Perryville, which, added to the two precincts here, made the majority 490.

By same. Was his information of the Perryville vote different from the footing up of the clerk?

Answer. I suppose it was the same; he got it from his runner, and I suppose the runner got it from the clerk.

By same. Have you heard of any mistake in the footing up of the votes in any of the poll-books except in the Perryville district?

Answer. I have not in this county.

By same. Who brought the poll-books to the office of Mr. Bell, the Sunday evening you speak of?

Answer. The first thing I saw of them they were lying on the table. I suppose Mr. Sneed brought them there; and I did not know that an examination was to take place until I went into the office.

By same. Has Mr. Sneed or any other person told you they had the poll-books out of the clerk's office any time between the election and the day you speak of?

Answer. I never heard of their being out until I saw them on the table.

By same. What was the rumor in Danville as to the result of the race, on Saturday before and the Sunday you made the examination you spoke of?

Answer. Both sides claimed it.

By Anderson. Was it not the common report by the friends of both Chrisman and Anderson, that the vote of Boyle gave Anderson a majority of 490 votes, the night of the election, and all the time till the seals were broken and the books perused by the board; was it not published in the Louisville Courier, a paper advocating the claims of Chrisman, that the vote was 490?

Answer. It was so; I don't know though whether it was so published in the Courier; I sent it off the next morning to Nicholasville, Lexington, and Louisville, as 490 majority for Anderson; Chrisman's friends gave it up as 490, and Anderson's friends claimed it as 490; the figures of Col. A. G. Talbott, former congressman from this district, made it 490, and he was a friend of Mr. Chrisman and a prominent man in the democratic party.

By same. Please explain how the mistake was discovered on the Sunday you speak of; who counted the votes and made the discovery?

Answer. The poll-books were put down in front of A. H. Sneed; John Cowan stood on the right and I on the left; W. C. Anderson, about the width of the table off, and did not touch the poll-books while we were examining them; for a more perfect count, we passed a paper down the poll-book and counted each vote; Mr. Sneed had a

pencil in his hand and made the count, and then we detected the mistake.

By same. Did you ever hear of any mistake being made in Cumberland county to the prejudice of Chrisman, until after the official vote had been published in the Louisville Journal and other papers, that Anderson was elected by three votes?

Answer. I never did.

Question by Chrisman. Were all the reports, which you sent off the morning succeeding the election, based upon what you understood to be the footings of the clerks of the election?

Answer. it was based upon the report of poll-books; I got the true number from the clerks of the election.

By same. If the poll-books, footed up by the officers, showed only 486 majority for Anderson, it required only four more to bring it up to 490

Answer. It did.

By same. Where were the poll-books the night or day preceding the Sunday you speak of; and did you ever hear any person say where they were; and, if so, where was it?

Answer. I do not know; but, since the election, I heard Samuel S. Merrick and Charles H. Rochester say that W. C. Anderson had them down at his farm. I never saw the poll-books, or knew they were out of the office, until I saw them at Mr. Bell's office.

By same. Are or not Charles H. Rochester and Samuel Merrick, bitter, uncompromising, hot-headed sag nichts, or locofocos, and bitterly opposed to the election of Anderson?

Answer. Yes; they are worse than poison.

By same. If the poll-books of Cumberland county, as footed up and certified by the officers of the election, and also certified by the county board to the State board, at Frankfort, showed Anderson's majority in Cumberland county to be 284, how many, if a mistake occurred, did it require to be discarded to bring it down to 274?

Answer. Ten, of course.

By same. Did Rochester and Merrick state, upon their own personal knowledge, the matter stated by you above; or did they state it as a rumor from Chrisman's friends?

Answer. I suppose, as they are at the head of democracy, they must have had good information; but they did not state it upon their personal knowledge.

By same. When did you first hear of the rumor from Cumberland county, that a mistake had been discovered in the report of the vote of that county?

Answer. I heard it on Saturday evening; and on Sunday I heard it from Judge Bramlette; I mean the Saturday and Sunday preceding the third Monday in August.

By same. Who first communicated the information to you?

Answer. It was a street talk on Saturday, and I heard it positively from Judge Bramlette the next day.

By same. Were you, on the next day after you first heard this news, and immediately after the arrival of Judge Bramlette, who confirmed the rumor, in consultation with any friends of Mr. Anderson, as to

the propriety of sending some friend to Frankfort in advance of the report of the news reaching that place?

Answer. I was.

By same. Who were those friends? what did the friends conclude to do? and who was sent to Frankfort?

Answer. I do not know that I could name all. Mr. Sneed and myself; John F. Zimmerman was by, but I do not think took any part; Judge Bramlette and, perhaps, W. A. Harness were also present. We consulted together, because we thought we ought to send word to Mr. Anderson himself, as we thought they were trying to swindle him out of his election, and that he ought to know of it. We did not appoint any one to go at all.

By same. Did not A. H. Sneed and W. R. Boice go to carry the news?

Answer. Yes.

By same. Did they not go to Frankfort for the express purpose of obtaining, if possible, the certificate for Mr. Anderson, before any report from Cumberland could reach there?

Answer. I cannot say they did. They went to carry the news to Mr. Anderson, that it was reported that they had discovered a mistake of ten or eleven votes in Cumberland, and for him, if possible, to take some steps to counteract it.

By same. Was it not expected by the friends of Mr. Anderson that they would either return with the certificate for Mr. Anderson, or that it would be given to him on the next day after their arrival in Frankfort?

Answer. It was. The official report of every county had been officially certified to at Frankfort, and had been officially published, and it was supposed if they went to admitting any outside returns that he would not get his certificate, which the published vote of all the counties showed him entitled to by a majority of three votes.

By same. If, then, you supposed they would not admit any "outside" returns, why was Mr. Sneed and Col. Boice troubled to go to Frankfort

Answer. Personal friendship, I suppose. That was what would have carried me there.

By same. Was it expected by you or the friends of Mr. Anderson in Danville, so far as you know, that certificates would, on that day, be issued to any other person?

Answer. No, nor to him either.

By same. Was or not Mr. W. C. Anderson absent from home when the reported mistake in Cumberland was rumored, and after consultation with his friends, was it not determined to send him word to that effect; that the certificate had to be issued within fifteen days from the election, and he ought to know it, with a view to see whether mistakes had not been made against him also?

Answer. He was absent, my understanding was, in Louisville. After consulting with the friends, as we had understood they had debarred the four votes from Boyle, and we thought they ought to serve all other amended returns the same way.

By same. Did the State board ever give any opinion upon the sub-

ject of receiving amended returns, that ever you saw or heard of, until the day they issued the certificate to Mr. Anderson?

Answer. No, sir.

And further saith not.

SAM'L P. BARBER.

Also the deposition of Wm. R. Bowman, taken at the same time and place, by the same party, and for the same purpose.

By Mr. Anderson :

I suppose I am the same Wm. Bownan who voted at dislricit No. 2, in Boyle county, at the last August election ; I voted there ; I did not vote at all in the congressional race ; I have examined the poll-books and find my vote recorded for Chrisman. The paper marked X in the deposition of Samuel H. Gregg was signed by me.

By Mr. Chrisman :

My politics are democratic ; I voted with a ticket at the election ; I went to town late in the evening, and went into Mr. Burton's store, and called for two tickets ; Mr. Staley, a democrat, was with me. Mr. David Gregory handed me two tickets and I handed one to Staley and I told Mr. Gregory to scratch off Chrisman's name from mine, and add Josh. Owens' name for senator. He did so ; I took the ticket, handed it in at the polls, and told them I voted that ticket. It had Chrisman's name scratched off ; I called no names at the polls at all ; I have never said to any one since the election that I voted for Chrisman. I reside in precinct No. 2, Boyle county ; I know George Tate ; I understood that he voted at the last August election, and that he voted for Mr. Anderson. He voted in precinct No. 1 ; He was living with his father-in-law, in Mercer, near the Mercer and Boyle line ; he moved from Mercer on Tuesday after the third Sunday in May, into the Parksville district, which is district No. 1 of this county ; he said he was going to remain there a few weeks, and then he was going to move to Indiana to get sand for a man who was carrying on glass works in Louisville ; the sand to be gotten over in Indiana ; he remained in Parksville about two weeks, to the best of my recollection. I told him I wanted my house covered, and if he would stay I would give him work. He said he had no house to live in. I told him I had a house on the pike, and that if he could get a negro out, who was in it, he might live in that for the balance of the year ; that house was in district No. 1. He went to see if he could get the house, but couldn't get it ; he said then, if he could get one room of the house it would suit him. I told him if he would risk the negro he could go in ; he said he would risk him, and afterward, sent to my house to get my cart and oxen to move him from Parksville to the house spoken of. I told him he would not have a full load of his own and he could fill the balance with laths and shingles and bring them to my house ; he brings his goods on back, with the laths and shingles, as far as my house, in precinct No. 2, and let them remain there all night, and the next morning went to his father-in-law's and got the balance of his goods, and moved into the house spoken of, in district No. 1. He is now living in Mercer county with

his father-in-law ; he left Boyle soon after the election, but his trumpery remained there nearly a month ; he went to Louisville himself directly after the election, as I understood from him, but left his family here. I understood from him, when he left Mercer and moved into Boyle, that he only intended to stay a few weeks until he could make money to go off on, and then he was going to leave.

And further saith not.

W. R. BOWMAN.

Also the deposition of H. L. Carpenter, taken at the same time and place, by the same party, and for the same purpose :

By Anderson :

I am the same H. L. Carpenter who voted at Hustonville, in Lincoln county, at the last August election ; I voted there, and don't know anybody else of that name. I have resided in Kentucky forty odd years—all that time in the Hustonville district, Lincoln county. I own a farm there, near Hustonville, and always considered that my home.

By Chrisman :

I reside now in Lincoln about two-thirds of my time. I am a married man ; have nine children. They reside a part of the time in Lincoln and part of the time in Mercer. My wife is in Mercer about two-thirds of her time, and my children also. I almost always take some of them to the farm with me, and have them there, when the weather is suitable. I have never moved my washing from Lincoln. All my family live on is raised on my farm in Lincoln, except some little garden stuff which is raised in Mercer. My farm in Lincoln, and the house I reside in when in Mercer, I suppose are eighteen or twenty miles apart. I have bought a house and property near Harrodsburg, in Mercer. I don't keep any property there all the time, except what I bought there, for when there is no school there I take all my negroes back into Lincoln to my farm, except one who is generally left to take care of the house. My newspapers are directed to Harrodsburg ; sometimes my letters are directed there, and sometimes to Hustonville. I gave \$8,000 for the property I own near Harrodsburg. When I bought the property I did not expect to be there but very little of my time, and have not been. I bought it for the purpose of educating my children there. I voted in Mercer, I believe, at the last May election. It was in February or March, 1858, that I moved to the house I bought in Mercer ; but my wife, when well, is backwards and forwards to the farm in Lincoln every few weeks. Mercer is not in the congressional district.

By Anderson :

I happened to be in Mercer at the May election, and there was considerable difference between the candidates, and in the evening some of us agreed to go and vote for the hindmost man. We went and voted, and no question was asked by either party as to my right to vote. I never have claimed any other place than Lincoln as my residence. I own over five hundred acres of land in Lincoln county. I sold a little of it for \$60 per acre the other day.

And further saith not.

H. L. CARPENTER.

Also the deposition of Jackson G. Bibb, taken at the same time and place, by the same party, and for the same purpose :

By Anderson :

I know Zach. Price. He said some time in June or July that he was twenty-one years old.

By Chrisman :

There was something said about Price's voting at the election before the last, in the presence of his mother, Jim Jones, and myself. His mother said he was not old enough to vote at that election, but would be at the next. She said he was raised in the county of Pulaski. He was not out of this county, to my knowledge, at any time within the sixty days preceding the election. I saw him in town frequently during that time. He rode a mule, and put it up at Mr. Sneed's stable, where I was staying. He told me he was working for a man in this county, out somewhere in the Hanging Fork neighborhood. I don't think I have seen him since the election. I don't think he is now in the county of Boyle.

By Anderson :

I know E. Preston. I have known him six or seven years. He has been living in Boyle county, and I think in precinct No. 3 all the time, the place where he voted.

By Chrisman :

I do not know that he has been residing out of the county of Boyle since I have known him. Part of the time during the last twelve months he has been staying at his father's, in this county, in precinct No. 3, and he told me that he and his wife did not agree very well, and every few weeks he would go up and stay a while with a woman in Lincoln. I asked him if he lived out of the county of Boyle, and he said no ; that he only went to Lincoln to see that woman.

And further saith not.

J. G. BIBB.

Adjourned until to-morrow morning, October 25, 1859.

SPEED S. FRY, *P. J. B. C.*

Met pursuant to adjournment.

Also the deposition of Jas. F. Zimmerman, taken at same place, on 25th October, 1859, by same party, and for the same purpose :

By Anderson. Are you or not clerk of the Boyle county court, and as such, have custody of the tax books, poll-books, &c., of the county ?

Answer. I am clerk of said court, and have charge of the books named.

By same. Please examine the poll-book of precinct No. 2, in Boyle county, and state how the vote of Wm. Bowman is recorded, in the race between Anderson and Chrisman.

Answer. I have examined it, and find the vote of Wm. Bowman recorded for Chrisman.

By same. Please examine the poll-book of precinct No. 1, Boyle county, and see how the vote of J. T. Reynolds is recorded in that race.

Answer. I find that vote recorded for Chrisman, also.

By same. Please examine poll-book No. 1, and see how the vote of Richard Pendegrast is recorded.

Answer. His vote is not recorded for either Anderson or Chrisman.

By same. Also examine the poll-book of No. 1, and see how the votes of Samuel Leffew, Geo. W. Crane, No. 1, Geo. W. Crane, No. 2, and Nat Hannen are recorded.

Answer. I find all four of them recorded for Chrisman.

By same. Please examine poll-book No. 1, and see if you find any such vote as George Tate's recorded for Anderson.

Answer. I find no George Tate recorded there for any one.

By same. Please examine poll-book of No. 3, and see if you find the vote of Zachariah Price recorded for Anderson.

Answer. I find no such vote recorded there.

By same. Please examine the assessors' book, and see if you find Charles Voss, Nicholas Walter, A. G. Tallett, jr., Henry White, Abel Reeves, Samuel Goode, listed for taxation.

Answer. I have examined the books for 1859, and find none of them listed.

By same. Are you or not one of the board of county canvassers, who by law are to compare the polls? Please state what the majority for Anderson is in Boyle county upon the books.

Answer. I am one of the canvassers to compare the poll-books of the county. The books show Anderson's majority in the county to be 490, if corrected in the additions.

By same. Have you examined the papers in the office, and do you find any record or paper showing the boundaries of the several voting precincts?

Answer. I have thoroughly examined the books and papers in search of such a record, but have not been able to find it.

By same. Please examine poll-book of precinct No. 3, and see how many Duncans voted in district No. 3 of Boyle county.

Answer. I find the names of four Duncans recorded therein: Lewis Duncan, Owen Duncan, Isaac Duncan, and Joseph Duncan. The three first named voted for Chrisman, and the last did not vote at all in that race, or at least his vote is not recorded in that race.

By Chrisman. When and by whom were the poll-books of the last August election returned to your office and custody?

Answer. They were returned, some of them on Monday night, and some on Tuesday morning, I think, after the election. The books of Nos. 3 and 4 were returned by the sheriffs of those precincts, and the other two, I believe, together, by the clerk of one of the precincts, and kept by me under lock until some time in the day Tuesday, or perhaps Wednesday, when the acting sheriff came, took them into his possession, and delivered them back to me formally.

By same. Who was that acting sheriff? How long did he have them in his possession, and did he take them from your office?

Answer. It was W. C. Compton, coroner. He only took them, and gave them back to me immediately, without taking them from the office.

By same. Why was this farce enacted?

Answer. That the very letter of the law might be complied with.

By same. In what respect, if any, had the "letter" of the law

been violated in the manner in which the book had been delivered to you?

Answer. I believe the law requires them to be delivered by the sheriff.

By same. On what day were the books compared and counted by the county examiners?

Answer. On Thursday after the election, between the hours of 10 and 11 o'clock.

By same. What persons composed that board?

Answer. The county judge, Speed S. Fry, the sheriff, (or rather, the coroner, acting as sheriff,) W. C. Compton, and myself, as county clerk.

By same. What was the majority received by Anderson over Chrisman in Boyle county, as ascertained by that comparison and examination?

Answer. Four hundred and eighty-six votes.

By same. Was that the majority which you on that day *certified* to the State board?

Answer. It was.

By same. Have the poll-books of that election been kept by you in your office since the election? If not, when were they taken out; by whom were they taken out; how long kept out of the office, and when returned? Name each time taken and each person who took them out, and how long detained.

Answer. The books were all returned to me under seal, and were not opened or examined by any one until they were opened and examined by the county canvassers on the day fixed by law and the vote certified to Frankfort. They were then left in my office free for inspection, and were inspected and examined freely by any and all who desired it. On Friday evening, late, Mr. Anderson borrowed them, and they were returned on Saturday morning, and on Saturday evening he borrowed them again, and they were returned to me on Sunday evening.

By same. When were you first informed that the canvassers had made a mistake in summing up the votes given to Mr. Anderson, and by whom?

Answer. On Sunday afternoon some time. I cannot with certainty say by whom, but I think it was Mr. E. B. Owsley, but it may have been some one else, as there were others present.

By same. What were the reports in Danville on Saturday and Sunday, the days when Mr. Anderson had the poll-books out of the office, with regard to the result of the race between Anderson and Chrisman?

Answer. There were conflicting reports. All the returns had not been received in such form as to give them reliability. Some reports elected Chrisman, some Anderson, and another, I believe, tied them. That, at least, is my recollection.

By same. Was it not true that no report made a greater difference between them than four or five votes?

Answer. I do not recollect the differences precisely which the reports made at that time. I know they were close.

By Mr. Anderson. What kin to James S. Chrisman, the candidate for Congress, is M. T. Chrisman, who is conducting this examination?

Answer. I believe he is a brother.

By same. Is he or not clerk of the circuit court and deputy clerk in the county court, where the poll-books are kept?

Answer. He is.

By same. Has said M. T. Chrisman or not had free access to the poll-books?

Answer. He has.

By same. Did he or not take them for the purpose of copying them for his brother?

Answer. He copied several pages of one book in my office.

By same. As deputy clerk, is he or not permitted free access to the papers of the office?

Answer. He is.

By same. When you and the balance of the board sent the returns to Frankfort—I mean upon the day of the comparison—did you count all the books, as you might have done?

Answer. I did not count or examine any of the books except that of No. 3, I believe.

By same. Was it or not reported by the friends of Chrisman and Anderson on the night of the election, from the returns received after the close of the polls, that Anderson's majority in Boyle was 490, and did or not the various papers of both sides in Kentucky so publish it?

Answer. It was so reported and published.

By same. Did you or not, on the arrival of Mr. Anderson at home on the night of the election, or the next morning, state that the majority was 490?

Answer. I think I did; I so stated it to every one who inquired.

By same. What were the reports about the result of the contest between Anderson and Chrisman when the reported mistake came in from Cumberland? Had it or not been published in the Louisville Journal, by a despatch from the assistant secretary of state, that Anderson's official majority was three votes? Did you ever hear of any such mistake till it was known that such was the fact?

Answer. It had been so published, but I do not remember precisely at what time I first heard of the Cumberland mistake.

By same. When the board of the county sent the amended returns to Frankfort, stating that there was a mistake of four votes to the prejudice of Anderson, did or not every friend of Chrisman that you heard speak about it say that it was illegal and improper in the State board at Frankfort to receive amended returns?

Answer. I think that is the way they talked; I know that some with whom I conversed did so.

By same. When the rumor came in that there was a mistake in Cumberland, did or not the party generally who supported Chrisman, and who had taken the ground spoken of above, turn about and claim that the board ought to receive amended returns, acting under the adage that the case being altered, altered the case?

Answer. They so claimed and contended.

By same. Did Anderson ever get, in his vote, the benefit of the four votes to his prejudice in Boyle?

Answer. He did not, according to the published certificate of the State board.

By same. Do you know, or have you any reason to believe, that M. T. Chrisman ever saw the poll-books until after they were examined and counted by the county examiners?

Answer. I have not; he nor anybody else after they came to me.

By same. Did Mr. Chrisman, so far as you know or believe, ever examine the poll-books, except in your presence or the presence of another deputy, in the affair?

Answer. I do not remember of his ever having done so; after the official count by the county examiners, until the mistake was discovered, I had not paid particular attention to those who examined the books, because I regarded the thing as settled, and regarded the poll-books as any other paper in the office, they having been officially certified.

By same. Is it pretended by anybody that the vote of Chrisman has been changed or altered?

Answer. Not that I have heard of.

By same. Can you imagine any possible motive M. T. Chrisman could have for changing and increasing the vote for Mr. Anderson?

Answer. I cannot.

By same. You spoke of the report, on the evening of the election, that Anderson's majority was 490; were these mere rumors, and were they not of necessity mere rumors, and not founded on an examination of the poll-books?

Answer. I got my information of one precinct from the poll-book; one from a person who, I understood, took his statement from the poll-book; and the statements from Perryville from a runner, who brought up the vote after night.

By same. At whose instance did you make out the amended return, increasing the vote of Mr. Anderson; where was it made out; and did the friends of Mr. Anderson and Mr. Anderson himself claim that it should and would be received?

Answer. It was at the instance of Mr. Anderson and his friends; Mr. Anderson said if he was entitled to the four votes he wanted them, even if his majority was large.

By Mr. Anderson. Is it or not the custom of both clerks of the circuit and county courts to permit papers and books to be taken from the office, and when you did permit the taking of the books from the office, did you not regard them, after they were compared and the returns forwarded to Frankfort, as any other paper?

Answer. Such has been the custom in both offices since I have been about them; I so regarded the poll-books, after they were counted and certified, as any other paper in the office.

And further saith not.

JAMES F. ZIMMERMAN.

Clerk of Boyle County Court.

STATE OF KENTUCKY, *Boyle County, sct:*

I, William R. Bowman, of Boyle county, Kentucky, state that I voted at precinct No. 2, in Boyle county; that in the race between

Mr. Chrisman and Mr. Anderson, for representative in Congress, he did not vote. and if his name is recorded for Mr. Chrisman, it was done through mistake. This August 22, 1859.

W. R. BOWMAN.

STATE OF KENTUCKY, *Boyle County, sct:*

I, James F. Zimmerman, clerk of the Boyle county court, do certify that I have examined the poll-book of the August election for district No. 2, in Boyle county, and find the vote of William Bowman therein recorded for J. S. Chrisman for Congress.

Given under my hand this 23d day of August, 1859.

JAS. F. ZIMMERMAN, *Clerk.*

Also the depositions of Alexander McSneed, taken by same party, at same time and place :

By Mr. Anderson. If you are acquainted with Nicholas Walter, who voted at precinct No. 3, in Boyle county, at the August election, 1859, for James S. Chrisman, state what you do know about him. How long had he been in Boyle county prior to the election?

Answer. I know Mr. Walter ; he worked here some time ago ; I do not know how long he was about. This man is registered here the 24th day of July last.

By same. Did he ever claim, so far as you know, your house as his home since he left Danville, some time ago?

Answer. I don't know anything about it ; he never said anything about it pro or con. I have been keeping tavern in Danville for some time past.

By Mr. Chrisman. Is not Walter now in Boyle county, and has he not resided in Boyle since his return to this place at the time you speak of?

Answer. I saw him a few days ago. He boarded with me about a week after the election.

By Mr. Anderson. Were you or not at the last August election a candidate for the State legislature? Did you not canvass the county pretty thoroughly? and well acquainted in the county and particularly in district No. 3, where you resided ; and if so, did you ever hear of or know any such man as Henry White?

Answer. I was a candidate at the last August election for the State legislature, and am very well acquainted in the county, but do not know any such man in the county as Henry White.

By same. Who was clerk of the election of precinct No. 3, and of what politics is he?

Answer. Samuel Messich, I believe. He is a democrat.

By same. Is he or not a bitter, uncompromising, relentless democrat?

Answer. He is a strong democrat.

By Chrisman. Were there not four officers conducting the election? Were not they equally divided in politics between Anderson and Chrisman? and are not the friends of Anderson as decided in their politics as Mr. Messich?

Answer. Yes ; I believe they were.

By same. Has Samuel Messich the reputation of being an honorable man?

Answer. I believe he has.

By Mr. Anderson. Do you know William Creer, who voted in district No. 3, in Boyle county? If so, what do you know in regard to his residence?

Answer. I know him. He was absent from here, in Missouri. He taught school out there. He returned home a short time before the election; I do not know how long before.

By same. Is he or not a single man, and generally engaged in school-teaching as a business, and where he is for the time being is his home?

Answer. He is a single man. He teaches school when not going to school, and lives where he teaches, so far as I know.

By same. Do you know how long he taught school in Missouri?

Answer. Several months.

By same. Is he engaged in any business here now except going to school?

Answer. None at all. He is now going to the theological seminary at this place.

By same. If you know William Beazley, state what you know about his residence.

Answer. I know him. I first became acquainted with him whilst he was going to school at the Deaf and Dumb Asylum in Danville. He was living in the town and county before the election. The town and county embraces districts Nos. 1 and 2.

By same. Had you seen him in Kentucky at any time within twelve months previous to your becoming a candidate for the legislature, about two months before the election?

Answer. I don't recollect of seeing him in that time.

By same. Is he or not deaf and dumb, a painter, and living with Crowder in the district where he voted; and did you ever hear that he claimed any other place than Boyle county as his home?

Answer. He is deaf and dumb; is a painter by trade. He is living with Crowder, and in the precinct in which he voted. I never heard of him claiming any other place as his home.

By Chrisman. Did you ever hear of his claiming any residence at all; and if so, when and where was it?

Answer. He never told me he claimed any place as his residence.

By same. Were you not a warm and active friend of Mr. Anderson at the election?

Answer. I was.

By same. When did you first hear of the rumor that a mistake had been made in the addition of the vote in Cumberland county to the prejudice of Chrisman; and from whom did you hear it?

Answer. I heard it on Sunday morning preceding the third Monday in August. I first heard it from Mr. Boier, and then Judge Brawtill.

By same. Was it not agreed among the friends of Mr. Anderson that this news should be kept a profound secret from the friends of Chrisman in Danville until a messenger could be sent to Frankfort?

Answer. I don't know there was any argument about it ; but all thought it was sent.

By same. Was there a consultation of the friends of Mr. Anderson held in Danville on that day as to what course ought to be pursued in reference to that report? and if so, name the persons in that consultation.

Answer. I don't know that I consulted with any person about it, except that I said something to Mr. Barber about it ; and we thought to communicate it to Mr. Anderson by telegraph or some other way.

By same. Did not yourself and William R. Boice, on Sunday, about the middle of the day, perhaps a little later, get in a buggy and go to Frankfort that night?

Answer. We did.

By same. Was Mr. Anderson in Frankfort when you got there; if not, where was he? And did you telegraph him to come to Frankfort, and did he not come up to Frankfort the next morning?

Answer. He was not there when we got there ; he was in Louisville ; I did not telegraph him ; we got there the next morning.

By same. Was it not one of the objects of your visit to Frankfort to anticipate the reception of the news of the discovery of the mistake in Cumberland by the ordinary channels of communication?

Answer. I went there to carry this information to Mr. Anderson ; I thought probable he had not received it.

By same. What did you suppose Mr. Anderson could do by getting the information sooner than to await his arrival at home?

Answer. I thought he could see whether they would admit additional returns, and if so, that he might get those which were in his favor.

By same. Up to that time, then, did you or not know whether additional returns would be received by the State board ; I mean up to the time that you went to Frankfort?

Answer. I did not ; I was informed on Sunday night, after I arrived there, by Humphrey Evans, assistant secretary of state, that they would not receive any additional returns, and on Monday morning I received the same information from Colonel James H. Garrard, treasurer of the State ; and they had not at that time got any rumor of the mistake in the Cumberland vote.

By same. Was it not one of the objects of your visit to Frankfort to obtain the certificate for Mr. Anderson before the news from Cumberland had reached Frankfort?

Answer. My object was to telegraph him ; I did not expect to get any certificate for Mr. Anderson, nor did I apply for it ; I intended to telegraph him, and give him the report, and let him do as he thought best.

By same. Did you not expect that the certificate would be given to Mr. Anderson on that day?

Answer. I thought probably they might issue it.

By same. Do you know that application was made on that day, either by Mr. Anderson or his friends, to the State board to issue it?

Answer. I do not ; Mr. Anderson talked to them, I believe, and asked them if they would issue certificates that day ; they said the

returns were not in from the whole State, and no certificate could be issued until the returns were all in, not to any one.

By same. What persons in Danville had knowledge of the objects and purposes of your visit to Frankfort before leaving?

Answer. Thomas P. Young, William R. Bain, Samuel P. Barbee, W. A. Havens, George Erwin, and perhaps others ; I don't recollect ; I know I did not communicate it to but very few ; I did not think that was the way to get along.

By Anderson What is the politics of James H. Garrard, State treasurer?

Answer. Democratic ; and elected this year by the democratic party as State treasurer.

By same. Did he or not, after your arrival at Frankfort and before the rumor about the Cumberland mistake, say that the board would not receive amended returns, and that he thought they were right about the matter?

Answer. He stated that on Monday morning, before the news of the Cumberland vote came in.

By same. Did or not all the democrats that you heard speak about the matter claim that no additional returns ought to be received before they heard about the reputed mistake in Cumberland ; and after they heard that did they not change and alter positions?

Answer. It was the opinion of one party (the democratic party) that they ought not to be received, and the other that they ought ; that was before they heard the news of the Cumberland vote ; since that the parties have changed opinions.

By same. Was it or not your object in going to Frankfort to inform Mr. Anderson, if you could, that there was a rumor of a mistake in Cumberland to the prejudice of Mr. Chrisman of ten votes, and to give him an opportunity to see whether or not there were mistakes to his own prejudice ; and if the board would receive additional returns, to give him time to send them in?

Answer. Yes ; it was.

By same. You have been asked whether or not Mr. Bain went to Frankfort ; now state whether or not you understood on the Monday, the next day after you went to Frankfort, that Mr. Chrisman and his friends were about to start to Frankfort.

Answer. I understood so on Tuesday after I got back from Frankfort

By same. Did or not Mr. James S. Chrisman, who was Mr. Anderson's competitor, go to Frankfort and remain a week or more, and until after the certificate did issue?

Answer. I understood so.

By same. Was it or not the common report of both parties in Boyle on the night of the election, after the polls closed and the comparison made, and for days afterwards, that Anderson's majority was 490?

Answer. It was ; I made the calculation from the statements sent me from Perryville after the closing of the polls there and here, and the majority, as made from those statements, was 490.

By same. Were you or not surprised to hear that the majority as

reported at Frankfort was 486 ; and did you not count the books and ascertain that the real majority was 490 ?

Answer. I always contended that it was 490.

By Chrisman. If the object of your visit to Frankfort was only to give information to Mr. Anderson of the rumor from Cumberland, and to give him time to counteract it, why did you expect the certificate to be issued to Mr. Anderson the next day ?

Answer. Because the returns from the district were all in, as I saw from the published reports.

By same. If, then, the State board had intended to act on the returns then in, why did Mr. Anderson want time, in your judgment, to counteract the Cumberland vote ?

Answer. I did not know they intended to act upon the returns then in. That is what I wanted to find out.

By same. If such was your only object, why the necessity of keeping your movements a secret ?

Answer. So as to get as many additional returns in on our side as possible before the board of examiners closed.

By same. Would this secrecy have contributed to getting in more returns for Anderson ; and if so, how ?

Answer. It would have kept the other side a little behind, as I thought.

By same. Do you not know that Chrisman went to Frankfort many days after you had left there, at least ten days ?

Answer. Yes.

A. H. SNEED.

Also the deposition of Henry B. Stanwood, taken by same party, at same time and place :

By Mr. Anderson. Do you know Nicholas Walter, who voted at precinct No. 3, Boyle county, Kentucky, at the last August election, for Chrisman ? If so, state when and where you saw him prior to the election, and what he said to you about his residence.

Answer. I saw him at the residence of a Presbyterian preacher, in Jefferson county, near the city of Louisville, on the 4th day of July last preceding the election. I asked him if he was living there. He said he was, and seemed to be at home.

By same. Did he at that time claim to be a resident of, or entitled to vote in, Boyle county, Kentucky ?

Answer. I don't know. I asked him if he had been at Danville or not since I last saw him ; and he did not know when he would go up. The preacher's name at whose house I saw him was Stewart Robinson.

HENRY B. STANWOOD.

At the request of Samuel P. Barber, he asks leave of the officer taking the depositions to correct a statement made by him in answer to the last question asked by Mr. Chrisman, in the deposition made by him ; which request is granted by that officer.

But to which the counsel for Chrisman excepts to reopening his deposition, because the same was formally closed on yesterday, and because the judge ought not to permit his re-examination.

He answers now and says, in answer to the last question by Chrisman in his deposition, through urgency of business I misconstrued his question, and answer that I heard an opinion that all amended returns were debarred, as my evidence will show in my deposition.

SAM. P. BARBER.

The counsel for Chrisman excepts—

1. To the deposition of each witness whose depositions have been taken of which notice was not given to said Chrisman.

2. To the statements of each and every witness who detailed hearsay statements.

3. To the statements and deposition of each witness who speaks of or in relation to any vote which was not regularly challenged by Mr. Anderson in his response or answer to Chrisman.

CHRISMAN.

The contestee, W. C. Anderson, excepts to the answers of all questions propounded by Chrisman on cross-interrogation where new matter was introduced by such cross-examination; he also excepts to any statements given on Chrisman's interrogations which are hearsay.

W. C. ANDERSON.

STATE OF KENTUCKY, *County of Boyle, sct:*

I, Speed S. Fry, presiding judge within and for the county and State aforesaid, do hereby certify that the foregoing depositions of the various persons whose names are affixed to their several depositions were taken before me, and were read to and subscribed by them at the time and place, and in the matter of contest pending between J. S. Chrisman and W. C. Anderson in the 36th Congress of the United States, the witnesses having been all first duly sworn by me that the evidence they should give should be the truth, the whole truth, and nothing but the truth, and their statements partly reduced to writing by me, and partly by James F. Zimmerman, by consent of M. T. Chrisman, counsel for J. S. Chrisman, in the presence of the witnesses.

Given under my hand at Danville, Boyle county, and State of Kentucky, this 25th day of October, 1859.

SPEED S. FRY,
Presiding Judge of Boyle County.

STATE OF KENTUCKY, *Boyle County, sct:*

I, James F. Zimmerman, clerk of the Boyle county court, do certify that Speed S. Fry, whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, the presiding judge of the said court, duly elected, commissioned, and

qualified, and that full faith and credit are due to all his official acts as such.

In testimony whereof, I hereto set my hand and affix the seal of
[L. S.] said court, at my office, in Danville, State and county aforesaid,
this 15th day of November, 1859.

JAMES F. ZIMMERMAN,
Clerk of Boyle County Court.

JAMES S. CHRISMAN:

SIR: I have received a paper from you, purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered, as required by the law entitled "election," Revised Statutes of the State of Kentucky, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes; and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners for Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to reassemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time. They were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake to my prejudice of four votes was discovered on the poll-books of Boyle county, and an amended return stating this fact was transmitted by the county board of Boyle to the State board at Frankfort, and when the fact was made public in the district that such an amended return had been sent, nearly every democrat in the community, and yourself included, stated that

it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie, and by the laws of Kentucky in such cases the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland county, you shifted your positions and contended that the board ought to receive amended returns. The case being altered, altered the case. I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of state, and attorney general of Kentucky. I do not know and I do not admit that the mistake that you complain of occurred. It may be true, according to the books as they *now* stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as having voted for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each.

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county, because he lived in the county of Russell.

2. R. M. Barnard—who voted at the same district, in the same county, because he had not been in the State, county, or precinct for the time required by law.

3. George Simpson—who voted in the same district, in the same county, for the same reasons as above.

4. Ben. F. Allen—who voted at the Neatsville district, in Adair county, because he was a resident of and lived in the White Oak district.

5. Milton Polly—who voted at White Oak precinct, in Adair county, because he lived in the Harmony district.

6. Elijah Leach—who voted at the same district, in the same county, because he was not a resident of said precinct for the time required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county, because he lived at the time at Haysville, in Marion county.

8. Wm. P. Royse—who voted at the same district, in the same county, for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in same county, because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the same district, in the same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in same county, because he was not twenty-one years of age.

12. James Jones—who voted at Neatsville district, in same county, for the same reason as above.

13. Jonathan McElroy—who voted at the Harmony district, in same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

14. George D. Redmon—who voted at the White Oak district, in same county, because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at White Oak district, in Adair county, because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district, in same county.

16. J. N. Vaughn—who voted at the same place, in same county, for the reason as above.

17. Samuel Vier—who voted at Columbia district, in same county, because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

18. William Vier—who voted at the same place as above, and for the same reason.

19. Joshua Prewett—who voted at the White Oak district, in Adair county, because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county, because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville district, in same county, because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in same county, because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at the same place as above, and because of the same reason as above.

24. Morgan Simpson *alias* R. W. Simpson—who voted at Neatsville, in same county, because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbot, jr.—who voted at precinct No. 4, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Chas. Voss—who voted at the same district, in same county, for the same reason as last above stated.

4. William Crow—who voted at district No. 3, Boyle county, for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted in district No. 2, in Boyle county, because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county, because of the same reason as last above named.

11. Samuel Goode—who voted at district No. 1 of Boyle county, because of the same reason as last above named.

12. James Brennan—who voted in district No. 1 of Boyle county, because he is a foreigner, and not a citizen of the United States.

13. John Hagan—who voted at district No. 2 of Boyle county, because of the same reasons as last above named.

14. William Staley—who voted at same place, because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

15. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neil—who voted at district No. 4 of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place, because of same reason as last above named.

19. Henson Gee—who voted in district No. 1, in Boyle county, because he is an idiot.

1. James F. Alstott *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county, because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named, because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county, because he was not a resident of the State, county, or precinct, in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county, because of the same reason as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county, because he was not twenty-one years of age.

6. J. H. Bryant—who voted at the Rolling Fork precinct, in Casey county, because he was indicted, sentenced, and convicted to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tates district, in Casey county, because he was not a resident of said district for the time

required by law. He was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at Rolling Fork precinct, in Casey county, because he had before the election removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county, because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, of Clinton county, because he resided in district No. 4, of said county.

3. John Semans—who voted in district No. 3, of Clinton county, because he was under twenty-one years of age.

4. John Hughes—who voted at district No. 2, of Clinton county, because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, of same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, of Clinton county, because he lived at the time in district No. 3, of said county.

7. S. J. Vance—who voted in district No. 5, in Clinton county, because he lived at the time in district No. 4, of said county.

8. Joshua Birdwell—who voted in district No. 2, of Clinton county, because he lived in district No. 1, of said county.

9. George Wilkerson—who voted in district No. 2 of Clinton county, because he was a foreigner and not a citizen of the United States.

10. Jno. Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district of Clinton county, because he lived at the time in the Hays district, of said county.

12. James Hail—who voted in district No. 3 of Clinton county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, in Clinton county, because he is *non compos mentis*, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, in Clinton county, because he is a foreigner and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, in Cumberland county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for the same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons last above named, and because he lived at the time in the Elliott district of said county.

7. Jno. Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

8. J. W. Poulson—who voted at Kettle Creek precinct, in Cumberland county, because of the same reasons as last above named.

9. Jacob Dalworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, in Cumberland county, because he resided at the time in Adair county.

11. John Cooksey—who voted at same place, because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, in Cumberland county, because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, in Cumberland county, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, in Cumberland county, because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, in same county, because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider, or Crider—who voted at the Elliott district, in Cumberland county, because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, in Lincoln county, because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at the same place as last above named, because he was at the time a resident of Walnut Flat district.

4. J. Waterhouse—who voted at same place as last above named, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, in Lincoln county, because of the same reasons as last above named.

6. Wiley Davis—who voted at the same place, because of the same reasons above last named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county, because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted, for the time required by law.

8. William Lyton—who voted at Waynesburgh, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at the same place, and because of the same reasons as last above named.

10. Zach. Cash—who voted at the same place, and because of the same reasons as last above named.

11. Levi Cotten—who voted at Turnersville precinct, in Lincoln county, because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county, because he was a foreigner and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Shenan or Shenadow—who voted at the same precinct as last above named, and because he was not 21 years of age.

14. Charles McWilliams—who voted at the same precinct as last above named, because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at the Crab Orchard precinct, in Lincoln county, because he was not 21 years of age.

Jesse Hoythe—who voted at Waynesburgh, in Lincoln county, because he had before the election removed to Rockcastle, and was not a resident of the precinct in which he voted.

1. L. E. Reed—who voted at Creelsborough district, in Russell county, because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at the same place, because of the same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county, because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown, Russell county, because he was not at the time a resident of said precinct.

6. Elijah Lowe—who voted at the Wolf Creek precinct, in Russell county, because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell, because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro, in Russell county, because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825, makes the house in which said Miller resides in Adair county; pages 40 and 41.

9. Allen Rytte—who voted at Creelsboro, in Russell county, because he was at the time a resident of Clinton county.

1. William Redding—who voted at Salem precinct, in Taylor county, because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.,—who voted at the same place, and for the same reasons (first) last above named.

3. James H. Ratliff—who voted at Little Pinchem district, in Taylor county, because of the same reasons last above named.

4. Frank Rhodes—who voted at the Newsville district, in Taylor county, because he was not twenty-one years of age.

5. Marian Peterson—who voted at the Campbellsville district, in Taylor county, because he was not a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county, because of the same reasons as last above named.

7. Henry Sheffner—who voted at same place as last above named, because he was not twenty-one years of age.

I deny that William Davis, and Jackson D. Richardson, and William R. Cumbess, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerk of election at the district in which Wiley Turner voted erased his name and vote without just reasons.

I deny that the judges without good reasons refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of at. Harmon, George W. Crane, and Samuel Leffew, are recorded for me; but they voted for and are recorded for you. The vote of Nelson Pendegratt is recorded for me, and I state that he so voted, and his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you; I state that he voted for me at the polls, and was so recorded.

I deny that the poll-books of the Ireland precinct, in Taylor county, are improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was illegally and improperly certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood: Anderson, 49; Chrisman, 95. I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified according to law. At said precinct the vote stood Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book and votes thereon recorded, of the Whetstone precinct, in Cumberland county, because the same was not certified as required by law. I shall also object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Mansville district in Taylor, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books and the votes thereon recorded, of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law, and also because the said poll-books were in your possession, and inspected by you and your political friends before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Tay-

lor county, because the same were not sealed up and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday (by your democratic friends) next after the election, and before the comparison.

I shall also insist upon counting in my favor the following votes, which were cast for me, and were omitted to be recorded by the clerk:

Richard Pendergraft—who voted at district No. 1, in Boyle county.

Henson Pendergraft—who voted at the same place.

David Wells—who voted at the Burksville precinct, in Cumberland county.

Bethel, *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for W. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress. His name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall also insist upon striking from your poll and adding to my own the vote of J. T. Reynolds, who voted in district No. 3, in Boyle county. He voted for me, and his vote was, by mistake of the clerk, recorded for you.

James Jones—who voted at Gradyville precinct in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

Cyrus Todd—who voted at the White Oak precinct, in Adair county; he voted for me, and his vote by mistake of the clerk was recorded for you.

I shall also insist upon striking from your poll the vote of Samuel M. Baker, who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Palston, Ben Austin, J. C. Williams, J. C. Cundiff, W. L. Baldock, W. J. Jones, Bird Russell, J. Abb-shear, all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

I shall also insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of the election:

Charles B. Kirkland—who offered to vote at precinct No. 1, Boyle county.

B. W. Moss—who offered to vote in precinct No. 2, in Boyle county.

Isaac F. Kees—who offered to vote at Greensburgh, in Greene county.

I shall also insist on excluding the votes of the following named persons who were permitted to vote after the time fixed by law for closing the polls:

Frank Dulany—who voted at the Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shilton, *alias* Chilton—who voted at the Jamestown precinct, in Russell county.

I shall also insist upon adding to my poll the votes of the following named persons who voted for me, and were so recorded, and their votes stricken from the books by the judges of the election after said voters had left the polls, and were not recalled, and without their consent or approbation :

Archibald Lindville—who voted at district No. 4, in Clinton county.

Jesse Lindville—who voted in district No. 1, in Clinton county.

W. A. Ellis—who voted in district No. 4, same county.

I shall insist upon rejecting the 3d page of poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk, as required by law. On that page the vote stood: Chrisman, 18; Anderson, 9.

I shall also insist on striking from your poll the vote of W. R. Bowman, *alias* William Bowman, who voted in district No. 2, in Boyle county, because said Bowman gave no vote in the congressional race, and, by mistake of the clerk, his vote has been recorded for you.

I shall also insist upon striking from your poll the vote of George R. Vaught, who voted at the Somerset district, in Pulaski county, because the vote of said Vaught was recorded by the clerk for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics, when, by the laws of Kentucky, there should have been an equal division of the officers, if they could have been found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge, Greenup Meece, sheriff, and Willis J. Stogsdill, clerk, of said district, are all democrats, and agree with you in politics, and held the election at said district; and at the district the vote stood: Chrisman, 68; Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake—and I deny that such a mistake was made—I shall claim that the whole vote of Kettle Creek precinct be rejected, because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Huges, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was only 486, and so counted in the returns.

In the account sent to Frankfort from Adair county the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may and actually do make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you had been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason why you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; and, even if defeated in Congress, you would get the mileage and compensation anyhow.

4. Daniel Sullivan, sr.—who voted at the Greensburg district, Greene county, because he was not a resident of the State, county, and district the time required by law.

5. Seldon Renfro—who voted at district No. 5, in Greene county, because of the same reasons as last above named.

6. Thomas Elmore—who voted at district No. 4, in Greene county, because he was not 21 years of age.

1. John Ping—who voted at the Dallas district, in Pulaski county, because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county, because he was not twenty-one years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

4. David Sadler—who voted at the Harrison district, in Pulaski county, because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county, because he was not twenty-one years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, for felony in Whitley county, and served his time out therein, and was thereby by law disfranchised.

7. Eli Dykes, jr—who voted at the Somerset district, in Pulaski county, because he was a resident of the Bent district, Pulaski county, at the time of said election.

8. John L. Logan—who voted at the Harrison district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

9. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

10. Wesley Neal—who voted at the Buncomb district, in Pulaski

county, because he was not a resident of the State, county, or district for the time required by law.

11. Norris Williams—who voted at the Bent district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

12. Washington Reynolds—who voted at the Bent district, in Pulaski county, because of the same reasons as last above stated.

13. James Parton—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

14. John Elder—who voted at the same district, for the same reasons above.

15. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county, because he was a foreigner, and not a citizen of the United States.

16. Thomas Jenkins—who voted at the same district, and for the same reasons as above.

17. Henderson Angell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

18. Patrick Doyle—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

19. Samuel Hansard—who voted at the same district, because there is no such voter living in said district.

20. John Davis—who voted at the Somerset district, Pulaski county, because he was not twenty-one years of age.

21. William Burton, son of Benjamin Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

22. Dunny Lustre, son of Jessie Lustre—who voted at the same district, and for the same reason.

23. J. J. Smiley—who voted at the Grundy district, Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

24. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not twenty-one years of age.

25. Joseph Keith—who voted at the same district, and for the same reason.

26. Daniel Chitwood—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

27. Jonathan Abbott—who voted at the same district, and for the same reason.

28. John Brown—who voted at the same district, and for the same reason.

29. Elijah Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county, because he was not twenty-one years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county, because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr—who voted in the same district last named, because he was not a resident of the State, county, or precinct for the time required by law.

1. George W. St. Johns—who voted at the district No. 1, Wayne county, because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county, because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place, because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district, because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Graer—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district, because he was not a resident of the county or district for the time required by law.

9. E. F. Wallen—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

11. Andrew Henny—who voted at the same district, because he is not twenty-one years of age.

12. John Chriswell—who voted at the same district, because he was not a resident of the county or district for the time required by law; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district, because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district, because he is not twenty-one years of age.

15. Charles Orman—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

16. Geo. Smith—who voted at the same district, because he is not twenty-one years of age.

17. Wm. Terry—who voted at the same district, because he was not a resident; in fact, he was a resident of Russell county at the time of the election

18. Geo. Arthur—who voted at the same district, because after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Millsprings district, Wayne county, because there is no such a voter in the district.

20. Seaburn Crutchfield—who voted at the Millsprings district, in Wayne county, because he was not resident of the county, State, or district for the time required by law; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory; and, further, because he is not entitled to vote in Kentucky, or anywhere else, he being under twenty-one years of age.

21. Thos. Rutherford—who voted at the same district, because he is not twenty-one years of age.

22. Marion Stevenson—who voted at the same district, because he is not a resident of the county or district for the time required by law.

23. Thos. Mus—who voted at the same district, for the reason last above-named.

24. Wm. Scantland—who voted at the same district, because he is not twenty-one years of age.

25. Samuel Pennington—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

26. Jno. Fredericks—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

27. James Daws—who voted at the same district, because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district, because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchison—who voted at the same district, because he is not twenty-one years of age.

31. Wm. Weaver—who voted at the same district, because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you, when he first cast his vote for other democratic candidates for the various offices of the State, &c.

32. Thomas Simpson—who voted in Millsprings district, because he is under twenty-one years of age.

33. George Payn—who voted at the same district, because he is an idiot.

34. F. M. Marcum—who voted at the same district, because after he had recorded his vote for me, and had left the polls, his name was erased from the poll-book, so far as his having voted for me.

35. William Foster, jr.—who voted in Mill Springs district, because he is under age, and not a resident of the district, as required by law.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county, because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district, because he was not 21 years of age.

38. Wm. Rule—who voted at the same district, for the same reason last stated.

39. Shelby Denny—who voted at the same district, for the same reason last stated.

40. Wm. Carter—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district, because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

43. Wm. Sloan, jr.—who voted at the same place, because of the reasons above named.

44. Berry Shoat—who voted at the same place, because of the reasons above named.

45. Andrew Hail—who voted at the South Fork district, in Wayne county, because he was not 21 years of age.

46. Granville Spradlen—who voted at the same place, because he was not 21 years of age.

47. William Breuster—who voted at the same place, because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place. He only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville, because he was not a resident for the time required by law.

50. William King—who voted at the same place, because he was not 21 years of age.

51. James Davis—who voted at the same place, and because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place, because of reasons last above named.

53. Hiram Troxdall—who voted at the same place, because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county, because he was not 21 years of age.

55. Granville Shoat—who voted at the same place, because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county, because he was not a resident for the time required by law.

57. Isaac Mason—who voted at the same place, because he is not a legal voter.

58. Stephen Loveall—who voted at the same place, because he is under 21 years of age.

59. Gideon Loveall—who voted at the same place, because he is not a legal voter.

60. Christopher Jones—who voted at the same place, because he is not 21 years of age.

61. John Henry—who voted at Mullenton, because he was not a resident of the county, State, nor district the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice ; if so, I hereby deny them ; but I do admit that Abraham Mounce, whose vote you challenged, as I suppose, was not a legal voter ; for, if you will examine the poll-books, you will find that the said Mounce voted for you, and is so recorded and counted.

You have also challenged the vote of James Low. The said Jimmy voted for you, and is so recorded, and the same is illegal ; and I therefore admit that, as he voted for you, his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested ; but I expect to prove, and will prove, before said Congress that I am honestly, fairly, and legally elected to that position ; and I will state, that in the discharge of the high duty as the representative from the fourth congressional district of Kentucky, I will endeavor to so act as to meet with the confidence and respect of my constituents. The war-worn veteran ; the children of the country ; the widow ; the orphan ; shall, as far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

On the 8th day of November, 1859, before Thomas W. Napier, presiding judge of the Lincoln county court, at the court-house, in Stanford, Lincoln county, Kentucky, I shall take the depositions of R. Carson, J. B. Elder, A. Carson, Harrison Middleton, G. H. McKinney, Ed. Caldwell, Peter E. Carter, H. W. Farris, S. E. Higgins, Sam'l Holmes, J. Johnson, Sidney Myers, James Beddow, J. Graham, H. E. Ousley, Hugh Hays, Finley Hays, John Raines, James Patten, Mrs. Lettie Patten, R. H. Givins, H. S. Carpenter, Robert White, W. F. Camden, Lieburn Johnson, A. R. Root, R. May, Adam Pence, James Bliss, F. Kauffman, Dr. Brown, John Tate, A. H. Campbell, Thomas Green, J. M. Cook, G. D. Weatherford, William Deyr, S. O. Middleton, T. B. Dodds, Clinton Hocker, Alfred Skinner, Green Kidd, Wm. Peters, W. C. Hansford, Wm. King, Harvey McAllister, Reuben Williams, R. P. Graves, Isaac Gibson, D. J. Alcorn, Rich. Carter, Wm. Craig, Evan Waters, J. E. Huffman, R. W. Graham, Wm. Ousley, Wm. Bacon, all of which witnesses now reside in Lincoln county, State of Kentucky.

W. C. ANDERSON.

JAMES S. CHRISMAN.

The commonwealth of Kentucky to the Sheriff of Lincoln county, greeting :

You are commanded to summon R. Carson, J. B. Elder, A. Carson, Harrison Middleton, G. H. McKinney, Ed. Caldwell, Peter E. Carter, H. W. Farris, S. E. Higgins, Sam'l Holmes, J. Johnson, Sidney Myers, James Beddow, Jeff. Graham, H. E. Ousley, Hugh Hays, Finley Hays, John Raines, James Patten, Mrs. Lettie Patten, R. H. Givins, H. L. Carpenter, Robert White, W. F. Camden, Lieburn Johnson, A. R. Root, R. May, Adam Pence, James Bliss, F. Kauffman, Dr. Brown, John Tate, A. H. Campbell, Thomas Green, J. M. Cook, G. D. Weatherford, William Deyr, S. O. Middleton, T. B. Dodds, Clinton Hocker, Alfred Skinner, Green Kidd, William Peters,

W. C. Hansford, William King, Harvey McAlister, Reuben Williams, R. P. Graves, Isaac Gibson, D. J. Alcorn, Richard Carter, William Craig, Evan Waters, J. E. Huffman, R. W. Graham, William Ousley, Wm. Bacon, William Grady, Rich. Grady, John Griffin, Elisha Berry, W. A. Wood, R. W. Stepienson, S. D. Barnett, Green Barnett, Alex. Martin, B. F. White, Isaac Graham, Charles King, William Tuggle, A. J. Reynolds, Rob't Buchanan, to appear before me in the court-house in Stanford, Lincoln county, Kentucky, on the 8th day of November, it being Tuesday, to depose in the matter of the contested election pending before the House of Representatives of the United States, between James S. Chrisman and W. C. Anderson, the former being contested.

And this they shall in nowise omit under the penalty of the law.

THOMAS W. NAPIER, *P. J. L. C. C.*

OCTOBER 18, 1859.

CHRISMAN *vs.* ANDERSON.

Summons.

J. B. Elder, Sidney Myer, W. C. Ousley, Jas. Patten, Lettie R. Patten, John Tate, Clinton Hacker, Alfred Skinner, W. A. Wood, and Rob't Buchanan, is not found within this my bailiwick.

E. B. CALDWELL, *S. H.*

NOVEMBER 7, 1859.

Executed on—

R. Carson, 1; A. Carson, 3; H. P. Middleton, 4; G. H. McKinney, 5; E. B. Caldwell, 6; Peter E. Carter, 7; H. M. Farris, 8; S. E. Higgins, 9; Samuel Holmes, 10; J. Johnson, 11; Jas. Beddow, 13; Jefferson Graham, 14; Hugh Hays, 16; P. F. Hays, 17; John Rames, 18; R. H. Givens, 21; H. L. Carpenter, 22; Robert White, 23; W. F. Camden, 24; Lieburn Johnson, 25; A. R. Root, 26; R. May, 27; Adam Pence, 28; Jas. Bliss, 29; F. Kauffman, 30; Dr. Brown, 31; A. A. Campbell, 33; Thos. Green, 34; J. M. Cook, 35; G. D. Weatherford, 36; Wm. Dry, 37; S. O. Middleton, 38; S. B. Dodds, 39; Green Kidd, 42; Wm. Petny, 43; Wm. O. Hansford, 44; Wm. King, 45; Harvey McAlister, 46; Reuben Williams, 47; R. P. Graves, 48; Isaac Gibson, 49; D. J. Alcorn, 50; R. E. Carter, 51; Wm. Craig, 52; Evin Waters, 53; J. E. Huffman, 54; R. W. Graham, 55; Wm. W. Ousley, 56; Wm. Bacon, 57; Wm. Grady, 58; Pink Grady, 59; John Griffin, 60; Elijah Berry, 61; S. D. Barnett, 65; Green Barnett, 66; Alex. Martin, 67; Jacob Graham, 68; Charles King, 69; Wm. Tuggle, 70; A. J. Reynolds, 71.

E. B. CALDWELL, *S. H.*

NOVEMBER 7, 1859.

Depositions taken by William C. Anderson, at the court-house, in the town of Stanford, Lincoln county, Kentucky, on the 8th day of November, 1859, before Thomas W. Napier, presiding judge of the

Lincoln county court, to be read in the contested election case, pending before the Congress of the United States, wherein James S. Chrisman is contestant and W. C. Anderson is contestee.

The deposition of William Bacon.

Deponent being of lawful age, and first duly sworn, deposeth and saith:

By Anderson:

I voted at the last August election, in Lincoln county, at the Crab Orchard precinct. I voted for Anderson for Congress. I have resided in the State about three years, all the time in the county and precinct where I voted. My age is sixty-nine years.

By Chrisman:

I have been absent from the State during the time named. I came here about the last of October, 1856, and about the last of May, 1857. I went back to New York, on business, and was absent some two or three months. I have a wife. She is in Ogdensburg, New York. She has not been in Kentucky. The relation of husband and wife still exists between us. I expect her to come to Kentucky. She would have been here two years ago, but for the burning of my mills. I went there to bring her out, but my mills being burned, and that disarranging my business somewhat, she concluded it was best not to come at that time. We broke up house-keeping then, for the purpose of her coming out. I am not keeping house now either in Kentucky or Ogdensburg. She is living with one of her daughters. At the time of the election, and for two months preceding, I had been boarding at Mr. Carson's, or at Mr. Farris's, both in the precinct where I voted.

By Anderson:

When I returned to New York, I went there only on business, and for a temporary purpose. When I commenced building my mills here three years ago, I determined to make this my residence. My children had all married, or moved away from us. My wife is in New York merely for a temporary purpose.

[Chrisman excepts to the reading of this deposition, because the same cannot be lawfully taken.]

W. BACON.

Also the deposition of RICHARD E. CARTER, taken at the same time and place, by the same party, and for the same purpose.

Deponent being first duly sworn, says:

By Anderson:

I reside in the Turnersville precinct, of Lincoln county. I acted as one of the judges of election at that precinct, at the last August election. I recollect that a man named Joseph McNiell voted there. He was sworn, as the poll-books will show. The questions laid down in the Revised Statutes were read to him at the time he voted, and after a statement of his case he was permitted to vote, and also we

heard the statements of Mr. Reed, with whom he lived, until some time in March, and of Mr. Harris, to whose house he moved some time in April, and with whom he had lived up to the election, except a temporary absence in the mountains for two weeks, probably, when he was selling rights for a shingle machine.

[Chrisman excepts to the reading of this deposition, because no notice was given to him that the same would be taken. He excepts, also, to so much thereof as details the statements of others.]

I know James B. Elder ; he voted, at the last August election, at Turnersville precinct, in Lincoln county ; he was born and raised in the county of Lincoln ; he had resided in the Turnersville precinct, prior to the election, ever since I had known him ; he had been temporarily absent, but always claimed Lincoln county as his residence.

By Chrisman:

I asked Elder frequently, at various times, if his residence was in Mississippi, and he always answered no—that his home was in Kentucky. I know that, in the race between Talbot and Anderson, I wanted him to vote, and he said, if he was here, he would do so. He bought his father's old place, in this county, in January last, and raised a crop there this year. Mr. Elder's business is that of a negro trader ; he spends about one-fourth of his time in Kentucky, and the balance of the time out of the State, so far as I know ; he may be in Kentucky a greater portion of his time, but it is not in this section, where I see him ; he is not married ; he was here last January, stayed a short time, was then absent for a month or six weeks, then returned, and did not leave again until some time in October ; I know he has been here the most part of this year buying up a lot of negroes. Elder has been to Mobile, but whether he is the proprietor of a negro house there or not I do not know ; I think he is interested in it ; he has been, as he told me himself, but whether he is now or not I cannot say. When Elder came to vote, he was asked where he considered his residence ? His answer was, that he always considered Kentucky his residence. He was asked further, if he had not voted elsewhere ? He replied that he had voted in Mississippi two years ago, and was solicited to vote there again last spring, but refused to do so, as he then considered Kentucky his permanent residence, and did not want to have two homes. He said, when he voted in Mississippi two years before, it was in a town election. Elder and his brother bought a farm from George Helm, and his brother lived on it ; but James Elder had stock there, and, when he came to Kentucky, he stayed sometimes there and sometimes at his mother's—both places being in the Turnersville precinct. While in Mississippi, Elder, I heard, took out letters of administration on Sparks's estate ; I learned this from Elder five years ago.

By Anderson:

James Elder's mother resides now in the Turnersville precinct ; he has no family himself, but bought the place there for his sisters, and he provides for them. James and John Elder have both created accounts with me, and they have been paid sometimes by James and sometimes by John. The blacksmithing I did

was charged to James Elder by his own, as well as John's, directions; sometimes I was paid by one and sometimes by the other. I know that James Elder has two or three times, to my certain knowledge, paid accounts of Hocker's, a merchant in Hustonville, which were created there by his sisters.

I know a man named John Sherron. alias Sherrendon; he has been living with Isaac Gibson, in the county of Lincoln, ever since I knew him. Gibson raised him; I know nothing about his age only from observation; I knew him when he was a small boy, and he is still living with Gibson without wages, so far as I know; I would not take him to be over some nineteen or twenty years old. Gibson lives in the Hustonville precinct, and I do not know whether Sherron voted or not.

By Chrisman:

Sherron may be twenty-one years old.

And further saith not.

R. E. CARTER.

Also the deposition of Hugh Hays, taken at the same time and place, by the same party, and for the same purpose:

Deponent, being of lawful age, and first duly sworn, deposeth and saith:

By Anderson:

I know Samuel D. Barnett; I raised him pretty much; I suppose he is somewhere about twenty-five years old; I do not recollect his age exactly, but he is somewhere about that age; he was raised at my house; he has been absent from the State several times in Illinois and Missouri, and once on a trip across the plains; he has always had his home at my house, and has never moved his plunder from the State. The way he came to be absent from the State was, that I had given him and my son, James Campbell, some money to lay out in wild lands in the west, and he was absent for that purpose. He sometimes stayed at my son's, (Findley Hays,) who lives in the same voting district with myself; he has always claimed this State as his home, and has been absent only temporarily. Neither of the boys bought any land, or made any location. Barnett went to trading some with the money he had, but never made any residence except this.

By Chrisman:

I think Barnett got back home last Christmas, or just after that time. I think he had been absent then about nine months out of the State, as well as I recollect. He is unmarried; has no family; has no house of his own, but has always had a home at my house.

And further saith not.

HUGH HAYS.

Also the deposition of B. FINDLAY HAYS, taken at the same time and place, by the same party, and for the same purpose.

Deponent, being of lawful age, and first duly sworn, says:

By Anderson:

I have heard the deposition of my father just taken. I concur in the statements he has made in reference to Barnett, with the excep-

tion that Barnett is a little older than my father thought. He is about twenty-eight years old.

And further saith not.

P. F. HAYS.

Also the deposition of Samuel D. Barnett, taken at same time and place, and by same party, for same purpose. Deponent, being first duly sworn, says:

By Anderson:

I have heard the depositions of Hugh Hays and Findlay Hays read. I concur in their statements, except as to my age. I am just twenty-seven years old. I have never been six months in any State, except Kentucky; nor have I, when away from home, been sixty days in any one precinct. All my wearing clothing has never been moved, nor has my furniture.

By Chrisman:

I left Kentucky last fall and returned last spring. I have been from home repeatedly during the last eight years; but have never been absent at one time more than from nine to twelve months. I am unmarried. I went out west to look at the country, but never with any idea of settling there. I wrote back letters every year while I was gone that I was coming back home. I was in Kansas while absent, but never voted anywhere out of Kentucky.

And further saith not.

S. D. BARNETT.

Also the deposition of Alexander Martin, taken at same time and place, by same party, and for same purpose. Deponent, being first duly sworn, says:

By Anderson:

I voted at the last August election at the Stanford precinct, in Lincoln county. I don't know exactly to a day how old I then was, but I know I was over twenty-one or twenty-two years old. I have been living in the State all my life; never was out of it, that I know of. I had been in the precinct where I voted sixty-three days before the election, and had my clothes there. I moved my washing into it on purpose to get my vote there; and was not out of it any more until after the election. I moved into this district from another district of the same county. The same candidates were voted for in all the precincts of the county.

By Chrisman:

I preferred to vote in the Stanford precinct, because I was going to move into it anyhow, and I had rather vote at the Stanford precinct than to go to the Walnut Flat. Before I came into the Stanford district I had been living at the Walnut Flat district with Reuben Hammond. On the last day of May I started to come into the Stanford district myself, but did not quite get all the way. I got drunk, but made the trip the next morning. I have not drank anything scarcely

since. I went to Wm. Martin's the morning after I came to Stanford, and my washing was there until after the election, or at some other place in the same district. I work for a living, and depend upon my labor for a living. My home for the time is wherever I may be at work. From the time I moved my washing into the Stanford precinct I did not do any work outside of it until after the election. I do not remember how long I staid at Martin's after I went there on the 1st of June; some two or three weeks—perhaps more.

And further saith not.

ALEXANDER MARTIN.

[Chrisman excepts to the foregoing deposition, because no notice to take it had been given.]

Also the deposition of John Rains, taken at same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I live in the Walnut Flat district of Lincoln county. I think Alexander Martin left that neighborhood about the 27th of May last. I mean he left that precinct about that time.

And further saith not.

JOHN RAINS.

Also the deposition of Reuben Williams, taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I was at the Waynesburg precinct at the last August election. I remember that a man named James Stout voted there at that time. He voted for W. C. Anderson for Congress. I have examined the poll-books of that precinct, and find Stout's vote set down for Chrisman. I heard Stout vote; was standing close by him when he voted.

By Chrisman:

Stout lives yet in the county of Lincoln, or was when I last saw him. He is an able-bodied man; able to come to the court-house, but has no horse to ride.

By Anderson:

I have not seen Stout since the election, but have heard of his living there since the election. I know a man named Jesse Haythe or Heath, who voted at Waynesburg at the last August election. He voted the democratic ticket—for Chrisman for Congress, &c. I know that, some week or two before the election, he had moved his family to Rockcastle county, and was living there at last accounts. He left the precinct in which he voted himself, I think, in a day or so after the election. Before the election he had gone to Rockcastle himself, but came back. I do not know that he went with the intention of staying.

I know A. J. Reynolds very well. He voted at the last August election at the Waynesburg precinct. I expect he is 50 years old, or near it. He has lived in the State ever since he was born; was born and raised in Lincoln county, and in the precinct where he voted.

By Chrisman:

I am going on 33 years old.

By Anderson:

I have heard Reynolds himself say he had lived here all his life, and have heard his friends say the same. I have been often at his father's house.

I know B. F. White. I know nothing about his age. He came from Tennessee, and I do not know exactly how long he has been here. I think he came two years ago last fall. He set in at the Waynesburg precinct to make a crop last spring, and did, I believe, make a sort of a crop there. To the best of my recollection, I think he has been in the State more than two years. I am not positive about it, but know it has been a long time.

By Chrisman:

White is a married man; has been married over a year. He staid at his father-in-law's, in the Waynesburg precinct, awhile after he was married. I think he had been in the Waynesburg precinct six months previous to the election, and his wife with him. He might have been off at work, but his wife was there, I think, all the time. I do not think he was out of the State after he first came here. I do not know White has been here two years, but that is my present recollection.

And further saith not.

R. WILLIAMS.

Also the deposition of W. F. Camden, taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I am acquainted with B. F. White. I do not know his age. He said he was of age at the last May election, and he voted for me for justice of the peace. He came to my house in the fall of 1856. He has been living in this county ever since that time. Agreeably to my recollection about it, I don't think he ever lived out of the Waynesburg precinct, where he voted, except that he worked awhile at Bridgewater's mill, which is not in that precinct. I do not know how long he worked there. He had been long enough in the district at the last May election to have a vote there, and was there all the time until after the August election. White's brother married my daughter. When he first came to Kentucky he came to my house and stopped there, his brother being there at the time.

I know Jesse Haythe, who voted at the Waynesburg precinct at the last August election. I understood he voted for Chrisman. Haythe is not now in that precinct, but is living in Rockcastle county, as I understood.

I know James Stout, who voted at Waynesburg last August. I had a conversation with him last Sunday. I asked him if he was sub-

pœnaed to attend here to-day in reference to giving deposition concerning his vote. He said he was not. I asked him then whom he voted for, and he replied that I knew very well that he had told me before the election that his vote was for Anderson for Congress, and for Lackey for county representative, and that he had so voted; which I knew was the fact, because I had heard his vote cried myself.

[Chrisman excepts to so much of this deposition as details any conversation with Stout in regard to his vote.]

By Chrisman:

Stout lives about two miles from Waynesburg; is an able-bodied man and can come to Stanford, but I don't think he has anything to ride. His residence is seventeen miles or upwards from Stanford, and about one mile further than mine. I have a horse to ride.

By Anderson:

I know A. J. Reynolds; we were school-boys together. I concur in the statement of Reuben Williams in regard to the residence of Reynolds.

By Chrisman:

I do not know of any illegal votes which were cast for Anderson at the last August election.

By Anderson:

I rather thought Haythe's vote, which was cast for Chrisman, was illegal. I am a justice of the peace for the Waynesburg district. And further saith not.

W. F. CAMDEN.

Also the deposition of R. May, taken at the same time and place, by the same party, and for the same purpose. The deponent, being first duly sworn, says:

By Anderson:

I voted at the last August election at the Crab Orchard precinct, in Lincoln county. I voted for Anderson for Congress. I am in my 28th year; have been in this State all my life. I moved into Lincoln county last July was a year ago, and have lived ever since that time in the Crab Orchard precinct, where I voted. And further saith not.

R. MAY.

Also the deposition of William Tuggle, jr., taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I voted at the last August election at Crab Orchard precinct, in Lincoln county. I voted for Anderson for Congress. I was born and raised in Kentucky. I have made my home in the State since 1856, although since that time I have been out of the State on two trips. I had been living in the Crab Orchard precinct two years before the last August election. The trips I speak of were only for a temporary purpose, and on business, and my home was in Lincoln county.

By Chrisman:

I have made no trip to Tennessee in the last two years. I have been to Cairo, Illinois, within that time. I was there in January last, and got back home between the 1st and 10th of March. I am a farmer, and own a farm in this county. And further saith not.

WILLIAM TUGGLE, JR.

Also the deposition of Reuben Moss, taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I am acquainted with William Tuggle, who has just given his deposition. I have known him four years, if not longer. He has lived with me in the Crab Orchard precinct something over two years, and made those little trips he has spoken of since he has been living with me. He has not in that time, that I know of, claimed any other than my house as his residence. I reside in the Crab Orchard precinct, where Tuggle voted. He had been residing in the State more than two years, and in the precinct where he voted more than sixty days before the election. And further saith not.

REUBEN J. MOSS.

Also the deposition of Thomas Green, taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I acted as sheriff of the last August election at Hustonville precinct, in Lincoln county. I recollect that a man named John Sherron or Sherrenden, voted there at that time. He voted for Chrisman.

I remember that a man named Charles McWilliams voted there at the same election, and voted also for Chrisman. He is a foreigner. He was questioned at the time (on oath) if he was out of a job there where he would regard his home, and he replied that he would regard Lexington as his home. I do not remember whether he produced any naturalization papers or not.

By Chrisman:

McWilliams was asked the question if he was out of a job in the neighborhood of Hustonville where he would then consider his home, and it was then that he answered Lexington. Upon the statement he made the judges permitted him to vote. I suppose he claimed to reside in the district, and for the time required by law, but I know nothing about that. He voted, I know. I, as one of the officers of the election, knew that foreigners were required to produce their naturalization papers, unless the fact of their having them was known to some one of the officers. It was talked over by the officers that all foreigners offering to vote should be required to produce their papers.

By Anderson :

My understanding from McWilliams' remarks at the polls was that he regarded Lexington as his permanent home. I understood from

his remark, also, that he was a turnpiker, and was only at Hustonville for the purpose of completing a job of work.

By Chrisman:

I understood also from McWilliams' remarks that he regarded Hustonville as his home for the time being and while he was engaged in that job.

By Anderson:

I am acquainted with James Patton. He is a brother-in-law of mine. He voted for Anderson at the last August election, at the Hustonville precinct. He is about twenty-three years old, I think. He has been in Kentucky all his life, except that twelve or fifteen months ago he went to Arkansas and Tennessee, and was gone nine or ten months. He claimed Kentucky as his home all the time, and told me he was only absent for a temporary purpose and with the view of returning. The home he claimed was in the Hustonville precinct, where he voted.

By Chrisman:

I never heard Patton say what he went to Arkansas and Tennessee for. I understood it to be a sort of wild-goose chase, as he had no money to make a location anywhere. He has no regular occupation; follows painting sometimes, or most anything that comes up. He has worked a little both at painting and cabinet-making. He was dependent upon his labor for a living while he was gone. It is very often the case that persons who work at a trade make their home for the time being wherever they have work. Patton returned to this county sometime in May last.

By Anderson:

I know that when Patton went off he left means in Kentucky.

I know H. L. Carpenter. He owns a farm and a large amount of property in the Hustonville precinct. He voted there at the last August election, and I do not remember of his being questioned at all as to his right to vote there.

By Chrisman:

I think Carpenter's family have been living at Harrodsburg part of the time during the last twelve months, and Carpenter himself has been backwards and forwards between the two places, spending most of his time at his farm in the Hustonville precinct. If I was asked where he resided, I would say Hustonville; and if I were going to address him a letter, unless I knew he was at the time in Harrodsburg, I would direct to Hustonville. If I were going to address a letter to his wife, I would direct to Harrodsburg. A part of his children live in Lincoln, at the farm, and others in Harrodsburg.

And further saith not.

THOMAS B. GREEN.

Also the deposition of George D. Weatherford, taken at the same time and place, by the same party, and for the same purpose. Deponent, being first duly sworn, says:

By Anderson:

I know James Patton. He went out of the State, I think, last

spring was a year ago, and came back in May last. I think he went off with stock for Mr. Carpenter. He claimed his home in Hustonville before he left, and when he came back he stopped at my house and told me had been travelling most of the time he was gone, and had not staid long at any one place since he left home. He was born and raised in this county.

By Chrisman:

Whether or not Patton had established a home and business relations while out of the State I do not know. I think he has now gone to Texas. He has been gone a month, I suppose. A great many others, who had been permanent citizens of the county, left for Texas at the same time he did. He is unmarried; has no family.

By Anderson:

I know Charles McWilliams. He is a day laborer upon the turnpike, as I have heard him say. I do not know where he came from to Hustonville.

And further saith not.

G. D. WEATHERFORD.

Also the deposition of S. E. Higgins, taken at the same time and place, by the same party, and for the same purpose. Deponent, being of lawful age, and first duly sworn, says:

By Anderson:

I was sheriff of the last August election for Crab Orchard precinct, in this county. The voting was commenced about fifteen minutes after six o'clock, by the watch—my own watch. The polls closed at about fifteen minutes after seven o'clock in the evening, by Mr. Carson's watch, my own having stopped, and I then took his. I think there were a couple of votes cast after the judges said "close the polls." Young Humble rode up and asked if there was time to get in a few votes he had out, and the judges agreed to hold up until he could get them in. I think there were two votes so taken. A dispute arose whether or not they should wait for the votes. At the time the two votes were cast it was between fifteen and twenty minutes after seven o'clock in the evening. I believe the two votes were those of William Griffin and Frank Dulaney. Both of them voted for Chrisman for Congress.

By Chrisman:

The two votes spoken of were taken by consent of the officers of election. They were good voters. The judges voted before they did. That is my impression. I think the sun was probably shining a little when they voted.

By Anderson:

When the officers of the election agreed to let the two men vote, a number of bystanders of the opposite party contended that it was not right to do so, as it was beyond the time fixed by the constitution for the closing of the polls. I thought they allowed them to vote to keep down a fight.

By Chrisman:

Men on the other side contended that the two men ought to be

allowed to vote. The sun was shining on the houses when they voted.

By Anderson:

I know William Bacon; have known him three or four years. I know the fact that he has claimed Crab Orchard as his home ever since I have known him.

By Chrisman:

I know there was an attachment on Bacon's property within the last twelve months and preceding the election, but I do not know upon what ground it was gotten out.

By Anderson:

I know Charles King. I don't know exactly how old he is. He had been living for four or five years in the Crab Orchard precinct until last spring was a year, when he went to Garrard. My impression is, that he came back to the Crab Orchard precinct, where his father lives, either a short time before or a short time after the May election, I do not remember which. He has not been out of the State since I have known him, that I know of.

By Chrisman:

My impression is, that King came back to Crab Orchard in May, but I do not state so positively.

By Anderson:

I know William Tuggle. He has been living in the Crab Orchard precinct some two years or more.

I know John Severance, jr. He voted at Crab Orchard last August for Chrisman. He is a married man. His wife had moved from that precinct (I understood to Louisville) before the election, and he has removed from the precinct himself a few days ago. My understanding from him when his wife left was, that he had sent her there to remain, and that he expected to go himself in a few days, but he staid until after the election.

By Chrisman:

Severance was born and raised near Crab Orchard, and has lived there the greater part of his life, until he left last week or the week before. He had been living there several years preceding the last election. His wife came back a short time before or after the election; staid a short time, and then returned to Louisville. He intended to go, but did not, and she has since come back, and is over in Garrard county. Where he is I do not know, but I have understood he was in Lebanon. I understood his goods went from Crab Orchard when his wife went, but he himself remained up to the election, claiming that as his home.

By Anderson:

Severance, I understood, announced when his wife left that he was going also, and it was so understood in the town. It was also understood, and he said so himself, that he did actually start from Crab Orchard, but met his wife at Lawrenceburg, and he then came back and said he would stay and vote.

By Chrisman:

I understood when Severance left Crab Orchard for Louisville that he was going off to remain.

By Chrisman. Did you not understand from Severance that he intended to remain at Crab Orchard so as thereby not to lose his right to a vote?

Answer. That was what I understood from him.

S. E. HIGGINS.

Also the deposition of Wm. Grady, taken by the same party, and at the same time and place. Deponent, being duly sworn, states:

By Anderson. State what relation you are to P. Grady, who voted for Anderson at the last August election; if any, state what it is, and what his age at the election.

Answer. He is my son; I pronounced him twenty-one years of age; he was born July 27, 1838.

WM. GRADY.

Also the deposition of Peter E. Carter, taken at the same time and by the same party:

By Anderson. If you know James B. Elder, please state how long he has resided in Kentucky, and in the Turnersville district, of Lincoln county, where he voted.

Answer. He was born and raised in the district. I have known him ever since he was born; he has been trading in hogs, mules, and negroes, backwards and forwards to the south several times.

By same. Had he or not been a resident of the State for more than two years, and of the precinct where he voted for more than sixty days next preceding the last election?

Answer. He always claimed this as his home. He bought a part of his father's old farm about five years ago.

By Chrisman. Has not Elder spent the greater part of his time during the last four or five years in the south?

Answer. He has spent nearly half of his time in the south; three years ago he staid here nearly all of his time, during the time of the cholera, and raised a crop.

By same. Do you know that he has *not* taken up his residence in the south?

Answer. I do not know; I should suppose not; he has had property here all the time.

By same. Was not the property which he took south with him—his hogs, mules, and negroes—of greater value than any he ever had in Kentucky?

Answer. He was a partner with other men, and I cannot tell.

PETER E. CARTER.

Also the deposition of Samuel Petree, taken at the same time and place, and by the same party:

By Chrisman. If you know what the age of Adam Petree is, who

voted at the Crab Orchard precinct for Chrisman, please state it; also state what relation he is to you.

Answer. I do not know what his age was; he is a brother of mine.

By same. From your knowledge of his age, what is it?

Answer. I don't know, but I suppose he lacked a few days.

By same. Did you or not, in company with his father and mother, a few days after the election, go home and examine the record of his age, and after said examination did they not all say he was not old enough to vote?

Answer. I did not, and did not here them say so.

SAMUEL PETREE.

Also the deposition of H. W. Farris, taken at the same time and place, and by the same party:

By Anderson. Please state whether you know William Bacon; if so, how long have you known him; where has he resided, and how long in the State, county, and precinct where he voted prior to the election?

Answer. I have known Mr. Bacon for some twelve or fifteen years; he has been stopping at my house while in this State during that time; his former residence has been in the State of New York, but my understanding from him was that within the last two years he had sold his New York property, and having a large landed property in this county he claimed this county and Crab Orchard as his residence.

By Chrisman. Is not Mr. Bacon a married man; and if so, where does his wife reside, and where has she resided for the last four or five years?

Answer. He is a married man, and his wife is in Ogdensburg, New York, at one of his daughter's, as I understand from him, and has resided there as long as I have known Mr. Bacon; I also learned from him that he had broken up housekeeping, and would remove his wife to Kentucky as soon as he obtained a suitable residence in Kentucky for her reception.

By same. Do you know of an illegal vote cast for Mr. Anderson at the last election?

Answer. None to my knowledge.

By same. Do you not know that the property of Mr. Bacon in Lincoln county has, within the last twelve months, been attached, on the ground that he was a non-resident, and that Mr. Bacon did not defend the same?

Answer. There was an attachment over a year ago against Mr. Bacon's property while he was absent from the State, and on his return I heard him say that he could defeat the attachment on the grounds of his not being a non-resident, but that he intended to pay the debt, and it mattered not.

By same. Do you know of any illegal votes cast for Chrisman at the late election?

Answer. None to my knowledge.

H. W. FARRIS.

The deposition of Green Kidd, taken at the same time and place, and by the same party:

By Anderson. If you know what relation William Petree is to Adam Petree, state it; also state if you had any conversation with him about the age of Adam; if so, state that.

Answer. They are brothers. William and I were talking about the election, and he thought he was old enough; but he went home and looked, and he found he lacked eighteen or twenty days.

GREEN KIDD.

[Mr. Chrisman excepts to the foregoing question, and the answer thereto, as being illegal and incompetent.]

Also the deposition of Isaiah Graham, taken at the same time and place, and by the same party:

By Anderson. Please state whether you voted at the last August election; if so, where did you vote, and for whom for Congress?

Answer. I voted for Anderson for Congress, and I voted at Crab Orchard.

By same. State your age; also state whether you had resided in the district where you voted for the time required by law—say two years in the State, or one year in the county, and sixty days in the precinct.

Answer. The 15th day of this month I will be 23 years old; I was raised in this State. I moved down near Stanford in the fall, and moved back in time to vote at the May election. I never lived out of this State.

By Chrisman. Between the last May and August elections, did you work for any person out of the Crab Orchard precinct; and if so, who was it?

Answer. No; I worked for myself at home.

ISAIAH GRAHAM.

Also the deposition of George W. Graham, taken at the same time and place, and by the same party:

By Anderson. State what relation you are to Isaiah Graham, who has just given his deposition; if you have heard it read, state whether you concur in his statement.

Answer. I am a brother of his. His statements in regard to his age and residence are correct, to the best of my knowledge. I reckon he is a legal voter.

GEORGE W. GRAHAM.

Deposition of Samuel Holms, taken at the same time and place, and by the same party:

By Anderson. If you know R. W. Stevenson, please state his age, and how long he has resided in the State, county, and precinct next preceding the last election.

Answer. I can't tell his age; I reckon he is about 25 or 30 years of age. He was born and raised in the State. He lived at or near my

house till last spring, and then he moved near the Crab Orchard, which is in the same district. He has never lived out of the State that I know of.

S. HOLMS.

Deposition of A. Carson, taken at the same time and place, and by the same party:

By Anderson. If you know anything in regard to the removal of John Severance, jr., from the Crab Orchard precinct prior to the election, please state what you do know.

Answer. Well, John Severance was boarding at David Nelson's; him and his wife concluded to go to Louisville to get into business; boxed up his plunder, or his wife's plunder, and sent it to Louisville by Nance's wagon; he then paid his wife's fare to Louisville, came down to my house the next morning and spoke for board a week or so; he eat there two weeks; he then left and staid at his father's, I think, a week; he then came down to my house, and bought a ticket to Louisville, and paid me three dollars as part of his board, and said he would be back about the 1st of September and pay me the balance of it, and started to Louisville the next morning; and he says he met his wife in Lawrenceburg, and was back in Crab Orchard that night.

By same. Did you or not understand that he had sent his wife to Louisville with the intention of making that his home, and of giving up his residence at the Crab Orchard?

Answer. That was the understanding, if he could get into business. I think his plunder is still in Louisville.

By Chrisman. Severance was not absent from Crab Orchard longer than one day, was he?

Answer. No, sir.

By same. From that time till the election, did he not continue to reside in the same precinct at which he voted?

Answer. Yes; but it was only a short time before the election before he did this.

By same. For two or three years preceding the election, had Severance any other residence than Crab Orchard; and did you ever hear him claim any other?

Answer. No, he had none; I never heard him claim any, except he was going to move to Louisville.

By same. Did he ever move himself to Louisville that you know of?

Answer. I know nothing of his going to Louisville except what I have stated above; he has since gone to Louisville and came back, and is, I suppose, now in Lebanon.

By Anderson. If you know Wesley Davis, who voted at the Crab Orchard for Chrisman, please state what you do know in regard to his residence and right to vote.

Answer. Well, I know Wesley Davis, and in 1857, when Talbott and Anderson run the race for Congress, I and others tried to get Wesley Davis to stay at Crab Orchard and not go to Pulaski to vote; and in August, 1858, when Rance Carson was a candidate in Lincoln county for county clerk, I and others tried to get him not to go to

Pulaski and vote; but he did both times go to Pulaski, and to vote, and claimed that as his residence; and in the spring of 1859, when Mr. Hughes, the assessor of Lincoln county, called upon him to give in his tax-list, he refused, and still claimed Pulaski as his home, at his father's.

By Chrisman. Had Davis resided in the precinct in which he voted sixty days preceding the election?

Answer. Yes, sir.

By same. Were you present when he refused to list for taxation?

Answer. I was, sir, in Jimmy McAlister's still-house.

By same. What time in the spring, or how long before the election was it that he refused to list?

Answer. It is rather my impression it was sometime in March.

By same. Do you know that he voted at May election?

Answer. He did; and I was not in a very tight place, and I thought it was then an illegal vote?

By Anderson. If you know anything in regard to the residence of J. T. Waterhouse, who voted at the Crab Orchard for Chrisman, please state what you do know.

Answer. J. T. Waterhouse was a stage-driver from Crab Orchard to Danville, and had resided in the precinct sixty days.

By same. Do you know anything about Isaiah Graham? If so, state what you do know.

Answer. I know Isaiah Graham; he was a legal voter there in May, 1859, and I never missed him out of the district since, and I am the acting constable of Crab Orchard district.

By same. If you know anything of William Tuggle, please state that.

Answer. I know William Tuggle was there at the May election, and was thought to be a legal voter, and still lives in the district and married, and lives at Mr. Masse's.

By Anderson. If you know anything in regard to R. May, please state that.

Answer. I know that he has lived in this county for the last twelve months, and I suppose he came from Whitley county, as I got an execution from the county judge of that county a few days ago against him; the debt seems to have been contracted there some years ago.

By same. If you know anything in regard to the removal from Kentucky of Stout Higgins, who voted at the Walnut Flat precinct, in Lincoln county, for Chrisman, please state it.

Answer. All I know, Mr. Higgins told me he was going to Pike's Peak, and did go, or started and got to Missouri and got robbed, and came back home to the Walnut Flat; I know nothing only as he told himself.

By same. Did he or not state that his brother had made him a present to go to Pike's Peak, or somewhere else, and never return, and he had determined to do so?

Answer. Well, he said Jake had made him a present to go to Pike's Peak and stay, in the way of a silver watch; I don't know whether it was in the way of a joke or not he said it.

By same. Do you or not know that Stout Higgins, after he got to Missouri, or some other State, wrote back letters to Kentucky that he never intended to return ?

Answer. I don't know that.

By Chrisman. Where was Stout Higgins raised, and where has he resided all his life, except when absent on the Pike's Peak trip, and how long was he then absent ?

Answer. He was raised at Walnut Flat, in Lincoln county, and has always made it his home except when on the Pike's Peak trip ; so far as I know, he was absent on that trip four or five weeks.

By same. Have you ever heard of his taking up a residence anywhere except in Lincoln county ?

Answer. No, sir.

By same. Did you not then believe, and do you not now believe, that the *present and watch story*, which you speak of above, was all a *joke* ?

Answer. I did believe it till I saw the watch, and then I didn't know what to think about it.

A. CARSON.

Deposition of H. P. Middleton, taken at the same time and place, and by the same party :

By Anderson. If you ever had any conversation with any one of the family of Adam Petree, who voted for Chrisman at the Crab Orchard precinct, in Lincoln county, please state with whom you had the conversation, and what it was in regard to his age.

[The counsel for Chrisman excepts to the foregoing question, or any answer thereto by the witness, because the question is illegal and any answer incompetent, as being mere hearsay.

The judge decides that if the witness has heard the father or mother, if living, or any brother of Adam Petree who is over twenty-one years of age, and who has examined the family record of his age, say anything upon the subject of his age, the witness may state it ; to which Chrisman's counsel excepts.]

Answer. I heard William Petree, the brother of Adam Petree, say after the election that he thought his brother Adam old enough until he voted. He went home and examined the Bible, and found that he was not old enough by a few days. William Petree is old enough to vote.

By Chrisman. Does the family of Adam Petree live in Lincoln county, particularly William, whose statement you have detailed, and is he or any one of them able to come to Stanford to give their deposition ?

Answer. They all live in Lincoln county ; I suppose that they are all able to come.

By same. Has or not Samuel Petree or brother already given his deposition ; and is not his father dead, and does not his mother reside some distance from Stanford ?

Answer. He has. His father is dead ; his mother resides some

seven miles, I suppose, or thereabouts, from Stanford. His mother, I suppose, is about fifty-five years old.

By Anderson. If you know anything in regard to the residence of William Bacon prior to the election, please state it, and also what your opportunities for knowing were.

Answer. I have known William Bacon some six or seven years. Have heard Mr. Bacon say for the last two years that he considered Kentucky his home. Have heard Mr. Bacon say that he had sold out his property in New York, and so soon as he could buy him a residence to suit he would bring his family. He has also told me that his wife was living with his children.

By same. Since your acquaintance with him, or since two years ago, has he or not claimed Kentucky and the Crab Orchard precinct, in Lincoln county, as his home, and regarded his wife's absence in New York only temporary?

Answer. He has.

By Chrisman. Has his wife or family ever been with him in Kentucky?

Answer. They have not, except one son, which I think is the only family he has at home with him.

By Anderson. If you know anything of Charles King, please state it. State what you know in regard to his residence.

Answer. I have known Charles King some two or three years, and also know that he made his home with his mother, in the Crab Orchard district, some three months prior to the election. I do not know that he has been out of the State during the three years. Mrs. King has lived on my place since last spring, until some two weeks since.

By same. State what you know in regard to the removal of John Severance, jr., from Crab Orchard to Louisville prior to the election.

Answer. I do not know anything.

By same. State what you know about Gus. Bacon, who voted for Chrisman at the August election—what you know in regard to his residence.

Answer. I heard Mr. Bacon say frequently after he came out to Kentucky that he came here to lot off his father's lands, and he would go back to New York or Canada, where he could do better at his business, which was surveying and engineering.

By same. Was it or not your understanding that he came to Kentucky for a mere temporary purpose?

Answer. That was my understanding from Mr. Bacon.

By same. Where is he now?

Answer. I suppose in New York or Canada.

By Chrisman. Is he not a son of the same Mr. Bacon whose vote you have just given your deposition to sustain for Mr. Anderson?

Answer. I suppose he is.

By same. How long, to your knowledge, has he resided in the State, county, and precinct in which he voted?

Answer. I cannot say positively, but I think about two years, and probably more.

By same. Had he been allowed to vote at Crab Orchard before the August election?

Answer. I understand he voted last May; I do not know it to be true.

By same. Do you not know that your father-in-law, upon his affidavit, sued out an attachment against William Bacon's property, upon the ground that he was a non-resident?

Answer. I know that he sued out an attachment; I cannot say it was upon the ground of his non-residence.

By same. Are you not a relation, and a warm personal and political friend, of Mr. Anderson?

Answer. I am.

By same. Do you know of an illegal vote having been cast for Mr. Anderson at the last August election?

Answer. I do not.

By same. You have been asked whether you were not a relation and a warm personal and political friend of Mr. Anderson; please state who is conducting this examination for Chrisman; what is his relation to Chrisman, and who is constantly whispering to him and advising him what to do? What akin to him is Anderson, and what are the politics of the gentleman who is so whispering?

Answer. Joseph Owsley is the assistant. I suppose he is a cousin to Mr. Anderson, and, I am told, a democrat; and the brother of Mr. Chrisman is also an assistant.

By same. Did or not William Bacon leave in your hands money to pay the debts for which attachments issued?

Answer. Mr. Bacon left some property to pay off Messrs. Hansford and Humber. Mr. Hansford is my father-in-law.

By same. Do you know of an illegal vote cast for Chrisman?

Answer. I do not.

H. P. MIDDLETON.

By consent adjourned over until Tuesday morning, 9th day of November, 1859.

THOMAS W. NAPIER, *P. J. L. C. C.*

TUESDAY MORNING, *November 9.*

Met pursuant to adjournment.

Deposition of E. B. Caldwell taken at the same time and place, and by the same party:

By Anderson. Are you or not the sheriff of Lincoln county, and, by virtue of your office, collector of taxes?

Answer. I am.

By same. Have you the tax-list of A. J. Reynolds, for collection?

Answer. Yes, sir; his list is in my tax-books.

By same. Have you the tax-list of R. W. Stephenson, for collection?

Answer. Yes, sir.

By same. Have you the list of H. L. Carpenter, for collection?

Answer. Yes, sir; I have collected his tax every year since I have been sheriff, except this year, and have it this year yet to collect.

By same. Did you summon William Petree, a brother of Adam Petree, to attend him to take his deposition; if so, please state what he said in regard to the age of said Adam?

Answer. Yes, sir; I summoned William Petree to attend at the court-house to give his evidence in this case. William Petree told me when I summoned him to attend, that his brother Adam lacked twenty-seven days of being old enough to vote; when he went home and examined the record his brother was not old enough by twenty-seven days.

[Chusman excepted at the time, and now excepts, to so much of the above questions and answers as seeks for or details the statements of William Petree in regard to the age of his brother, Adam Petree.]

By same. Did or not William Petree vote for Chrisman at the last election?

Answer. He is a democrat; I don't know how he voted.

By same. Did you or not summon Isaac Gibson to attend to give his deposition?

Answer. Yes, sir; I did.

By same. When you summoned him, did he give you any paper or letter to hand to Mr. Anderson; and did he make any statement as to why he did not attend?

Answer. At the time I summoned him he did not; on last Monday he gave me a letter to give to Mr. Anderson; this letter I did hand to Mr. Anderson; he said that this letter would answer every purpose, and it would be no use for him to attend.

By same. Please examine this letter now before you, marked X, which you will please make part of your deposition, and see whether it is the same letter?

X.

MILLEDGEVILLE, *Ky.*, November 6, 1859.

DEAR SIR: Since I saw you I inquired of John Sherron whether he had found the book his age was in, he said it was misplaced by some means and could not find it; I sent him to his uncle Sherron's to see if he could get the record of his age; his uncle says he was twenty the 24th of last July. I have seen his age several times before it got misplaced, and was of the opinion he was of age.

Yours with respect,

ISAAC GIBSON.

Mr. WM. ANDERSON.

Answer. Yes, sir; this is the same letter that Mr. Gibson gave to me to hand to William C. Anderson, which I make a part of my deposition.

[Chusman excepts to so much of the question and answer as seeks

to obtain or detail the statements of Mr. Gibson, or that seeks to make his letter evidence in regard to the vote of Sherron.]

By same. Is or not Mr. Sherron living with Gibson; and was he or not raised by Gibson?

Answer. Yes, sir; he is living with Gibson at this time, and has been ever since he was a little child.

By Chusman. Who wrote the letter which you have here exhibited?

Answer. I don't know, sir.

By same. Where does Sherron and Gibson live; and how far from Stanford?

Answer. They live in Lincoln county, and about eleven or twelve miles from here.

By Anderson. Has it or not been your understanding that Sherron was bound to Gibson until he was twenty-one years of age?

Answer. That has always been my understanding from rumor; he is not put on the list for taxation which requires to be over twenty-one years of age.

By same. Are not many persons over twenty-one years of age omitted to be tested every year?

Answer. Yes, sir; there are several persons.

By same. Has James B. Elder been tested as a resident of Lincoln county for taxation for the last two or three years; I mean the same person of whom Peter E. Carter and others speak in their depositions?

Answer. I didn't see his list for the two last years on my tax-book.

By Chrisman. Do you know of an illegal vote cast for Mr. Anderson at the last August election? If you do, give his name and the reasons?

Answer. I do not, for either.

E. B. CALDWELL.

Deposition of R. Carson, taken at the same time and place, and by the same party:

By Anderson. Please state how long you have known R. W. Stephenson, and how long had he resided in Lincoln county when he voted?

Answer. I have known him for twenty-two years. I never knew of his being out of the county of Lincoln.

R. CARSON.

The deposition of W. H. Pointer, taken at the same time and place, and by the same party:

By Mr. Anderson. Please state all you know as to the legality or illegality of Gilbert Payne as a voter in the State of Kentucky; and whether, or not, he voted for J. S. Chrisman for Congress at the last August election.

Answer. I think two years ago last February I went to hire him to work for me, and he told me he was going to Indiana to make his residence there, and never expected to come back to this county any more. He expected to spend the remainder of his days in Indiana,

and he left a few days afterwards, and he returned to Kentucky in the latter part of September, or the first of October, 1858. I met him at Harrodsburg, as I went to Louisville, on his return to Kentucky.

W. H. POINTER.

Deposition of James Bliss, taken at the same time and place, and by the same party:

Mr. Anderson. Please state whether or not you were born and raised in Kentucky; and whether you have ever been out of the State temporarily or otherwise.

Answer. I was born in the State, and I have been out of the State on a temporary purpose.

By same. When did you come to Lincoln county?

Answer. About the first of March, 1859.

By same. Did you vote for Anderson for Congress at the last August election? If so, at what precinct?

Answer. I voted for him at the Hustonville precinct.

By same. How long had you resided in the Hustonville precinct previous to the last August election?

Answer. Better than four months; I went there the first of March.

By same. Are you or not dependent upon your own exertions for a support?

Answer. Yes, sir; I am.

By same. State whether or not you went into the Hustonville precinct for a temporary purpose; or whether you were not engaged at work at your trade whilst in said district.

Answer. I was at work at my trade at Mr. Given's.

By same. Please state whether or not you went into said precinct for the purpose of voting.

Answer. I had no idea of an election when I went there. I went there to work, though.

By same. Please state whether or not you, as a mechanic, have any permanent home; and that if you do not claim that place as your residence wherever you are engaged at work at your trade.

Answer. Yes, sir; I claim as my home wherever I am at work.

By Chrisman. Please state whether or not you were at work in this town at the time of the election.

Answer. I was at work in this town at the time of the election.

By same. State whether you were sworn at Hustonville at the time you voted.

Answer. No, sir.

By same. Did not one of the judges propose to have you sworn at the time you voted?

Answer. They did; and I told him I never had been sworn, and would lose my vote before I would be sworn as to my vote.

By Anderson. State whether you did not claim the Hustonville precinct as your home up to the election; and whether you had moved your washing out of the Hustonville into the Stanford district.

Answer. I claimed that as my home, and had not moved my washing.

JAMES BLISS.

STATE OF KENTUCKY, *Lincoln County, set:*

I, Thomas W. Napier, presiding judge of the Lincoln county court, for the county and State aforesaid, do certify that the foregoing depositions of Wm. Bacon, R. E. Carter, Hugh Hays, P. F. Hays, S. D. Barnett, John Rains, R. Williams, W. F. Camden, R. May, Wm. Tuggle, jr., Reuben J. Moss, Thomas B. Green, G. D. Weatherford, S. E. Higgins, Wm. Grady, P. E. Carter, Samuel Petree, H. W. Farris, Green Kidd, Geo. W. Graham, Isaah Graham, S. Holmes, A. Carson, H. P. Middleton, E. B. Caldwell, R. Carson, W. H. Pointer, and James Bliss, were read to and subscribed by them or their agents in my presence, at the times and places, and in the action mentioned in the caption—the first twenty-four were taken on the 8th day of November, 1859—the witnesses aforesaid having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth, and nothing but the truth; and the statements of the first fifteen persons above named were, by consent, reduced to writing by James F. Zimmerman, and in the presence of the witnesses aforesaid, as also myself; and the statements of the residue, to wit, the thirteen last-named witnesses above, were reduced to writing in the presence of the witnesses, by me, except the depositions of H. W. Farris, and H. P. Middleton, and R. Carson, who wrote out their own statements. M. T. Chrisman, agent and attorney for James S. Chrisman, the plaintiff, and Wm. C. Anderson, the defendant, being present at the examination of the first twenty-six witnesses named; and at the examination of the two last-named witnesses above named, the plaintiff was represented by Pinkney Spraggins, as his agent, and the defendant by G. H. McKinney, as his agent.

Given under my hand the 9th day of November, 1859.

THOMAS W. NAPIER,
Presiding judge Lincoln County Court.

COMMONWEALTH OF KENTUCKY, *Lincoln County, to wit:*

I, Ransom Carson, clerk of the county court for the county aforesaid, do hereby certify that Thomas W. Napier is now, and was, at the time of subscribing his name to the foregoing certificate, the presiding judge of the Lincoln county court, and that said attestation is in due form, and entitled to full faith and credit.

In testimony whereof, I have hereunto subscribed my name as clerk,
[L. s.] and affixed the seal of said court, at office in Stanford, this 21st day of November, 1859.

RANSOM CARSON,
Clerk Lincoln County Court.

JAMES S. CHRISMAN:

SIR: I have received a paper purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1, in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered as required by the law entitled "*Elections*," *Revised Statutes of the State of Kentucky*, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time, awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes, and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners of Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to re-assemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time; they were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake, to my prejudice, of four votes, was discovered on the poll-books of Boyle county, and an amended return, stating this fact, transmitted by the county board of Boyle to the State board at Frankfort; and when this fact was made public in the district that such an amendment had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie; and by the laws of Kentucky in such cases, the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland, you shifted positions, and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of State, and attorney general of Kentucky.

I do not know, and do not admit, that the mistake that you com-

plain of occurred. It may be true, according to the books as they now stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as voting for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each:

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county; because he lived in the county of Russell.

2. R. M. Barnard—who voted at White Oak district, in Adair county; because he had not been in the county, State, or precinct for the time required by law.

3. George Simpson—who voted at White Oak district, in Adair county; for the same reasons as above.

4. Ben. F. Allen—who voted at the Neatsville district, in Adair county; because he was a resident of and lived in the White Oak precinct.

5. Milton Polly—who voted at White Oak precinct, in Adair county; because he lived in the Harmony precinct.

6. Elijah Leach—who voted at White Oak precinct, in Adair county; because he was not a resident of said precinct for the term required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county; because he lived at the time at Haysville, in Marion county.

8. William P. Royse—who voted at the Columbia precinct, in Adair county; for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in Adair county; because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the Gradyville district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in Adair county; because he was under twenty-one years of age.

12. James Jones—who voted at Neatsville district, in Adair county; for the same reason as above.

13. Jonathan McElroy—who voted at Harmony district, in Adair

county; because he was not a resident of the county or precinct in which he voted for the time required.

14. George D. Redman—who voted at the White Oak district, in Adair county; because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at the White Oak district, in Adair county; because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district.

16. I. N. Vaughn—who voted at the same place as above, and for the same reason as above.

17. Samuel Vier—who voted at Columbia district, in Adair county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and because of the same reasons as above.

19. Joshua Prewitt—who voted at the White Oak district in Adair county; because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county; because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville precinct, in Adair county; because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in Adair county; because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at same place as above, and because of same reason as above.

24. Morgan Simpson, *alias* R. W. Simpson—who voted at Neatsville, in Adair county; because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbott, jr.—who voted at precinct No. 4, Boyle county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Charles Voss—who voted at district No. 4, Boyle county; because of the same reasons as last above named.

4. William Crow—who voted at district No. 3, Boyle county; for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted at district No. 2, in Boyle county; because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county; because of the same reason as last above named.

11. Samuel Goode—who voted in district No. 1, of Boyle county; because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county; because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county; because of the same reasons as the last above named.

14. William Staley—who voted at same place; because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neal—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place; because of same reason as last above named.

19. Hearn Gee—who voted in district No. 1, in Boyle county; because he is an idiot.

1. James F. Alstott, *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county; because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named; because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county; because of the same reasons as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county; because he was not 21 years of age.

6. John Henry Bryant—who voted at the Rolling Fork precinct, in Casey county; because he was indicted, convicted, and sentenced to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tate district, in Casey county; because he was not a resident of said district for the time required by law; he was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at the Rolling Fork precinct, in Casey county; because he had, before the election, removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county; because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, Clinton county; because he resided in district No. 4 of said county.

3. John Lemans—who voted in district No. 3, Clinton county; because he was under 21 years of age.

4. John Hughes—who voted at district No. 2, Clinton county; because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, Clinton county; because he lived at the time in district No. 3 of said county.

7. S. J. Vance—who voted in district No. 5, Clinton county; because he lived at the time in district No. 4 of said county.

8. Joshua Birdwell—who voted in district No. 2, Clinton county; because he lived in district No. 1 of said county.

9. George Wilkerson—who voted in district No. 2, Clinton county; because he was a foreigner, and not a citizen of the United States.

10. John Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, Clinton county; because he lived at the time in the Hays district of said county.

12. James Hare—who voted in district No. 3, Clinton county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, Clinton county; because he is *non compos mentis*, or, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, Clinton county; because he is a foreigner, and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, Cumberland county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons as last above named, and because he lived at the time in the Elliott district of said county.

7. John Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulsen—who voted at Kettle Creek precinct, Cumberland county; because of the same reasons as last above named.

9. Jacob Dulworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, Cumberland county; because he resided at the time in Adair county.

11. John Cooksey—who voted at same place; because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, Cumberland county; because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, Cumberland county; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, Cumberland county; because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, same county; because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider or Crider—who voted at the Elliott district, Cumberland county; because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, Lincoln county; because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at same place as last above named; because he was at the time a resident of the Walnut Flat district.

4. J. T. Waterhouse—who voted at same place as last above named; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, Lincoln county; because of the same reasons as last above named.

6. Wesley Davis—who voted at same place, and because of same reasons as last above named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county; because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Sylar—who voted at Waynesburg, in Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at same place, and because of same reasons as last above named.

10. Zach. Cook—who voted at same place, and because of same reasons as last above named.

11. Levi Cotton—who voted at Turnersville precinct, in Lincoln county; because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county; because he was a foreigner, and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Sherron or Sherrondon—who voted at same precinct as last above named; because he was not 21 years of age.

14. Charles McWilliams—who voted at same precinct as last above named; because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at Crab Orchard, in Lincoln county; because he was not 21 years of age.

16. Jesse Haythe—who voted at Waynesburg, in Lincoln county; because he had, before the election, removed to Rockcastle county, and was not a resident of the precinct in which he voted.

1. S. E. Reed—who voted at Creelsboro' district, in Russell county; because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at same place; because of same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county; because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown precinct, in Russell county; because he was not at the time a resident of said precinct.

6. Elijah Low—who voted at Wolf Creek precinct, in Russell county; because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsay Brummett—who voted at Lairsville precinct, in Russell county; because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county; because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825, make the house in which said Miller resides in Adair county.—(See pages 40 and 41.)

9. Allen Bybee—who voted at Creelsboro', in Russell county; because he was at the time a resident of Clinton county.

1. William Redding—who voted at Saloma precinct, in Taylor county; because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.—who voted at same place, and for the first reason last above named.

3. James H. Ratliffe—who voted at the Little Pinchem district, in Taylor county; because of the same reason last above named.

4. Frank Rhodes—who voted at Mannsville district, in Taylor county; because he was not 21 years of age.

5. Marion Peterson—who voted at Campbellsville precinct, in Taylor county; because he had not been a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county; because of the same reasons as last above named.

7. Henry Shaffner—who voted at same place last above named; because he was not 21 years of age.

I deny that William Davis, and Jackson D. Richardson, and Wm. R. Cumbass, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerks of the election at the district in which Wiley Turner voted, erased his name and vote without just reason.

I deny that the judges, without good reason, refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, Geo. W. Crane, and Samuel Leffien are recorded for me; but they voted and are recorded for you. The vote of Nelson Pendegraft is recorded for me, and I state that he so voted, and that his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you. I state that he voted for me at the polls, and was so recorded.

I deny that the poll-book of the Ireland precinct, in Taylor county, is improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was improperly and illegally certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book, and the votes therein recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood, Anderson, 49; Chrisman, 95.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified as required by law. At said precinct the vote stood, Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Mannsville district, in Taylor county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of Whetstone precinct, in Cumberland county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law. And also, because the said poll-books were in your possession, and inspected by you and your political friends, before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday night next after the election, (by your democratic friends,) and before the comparison.

I shall insist upon counting in my favor the following votes, which were cast for me, and omitted to be recorded by the clerk :

Richard Pendegraft—who voted at district No. 1, Boyle county.

Henson Pendegraft—who voted at the same place.

David Wells—who voted at Burksville precinct, Cumberland county.

Bethel Compton *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for Wm. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress—his name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall insist upon striking from your poll, and adding to my own, the vote of—

J. T. Reynolds—who voted in district No. 3, in Boyle county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

James Janes—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

Cyrus Judd—who voted at the White Oak district, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon striking from your poll the vote of—

Samuel M. Baker—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Polston, Ben. Austin, J. C. Williams, J. C. Cundiff, W. S. Baldock, W. J. Jones, Bird Russell, J. Abshear—all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of election :

Charles B. Kirkland—who offered to vote at precinct No. 1, in Boyle county.

B. W. Moss—who offered to vote at precinct No. 2, in Boyle county.

Isaac F. Keys—who offered to vote at Greensburg, in Green county.

I shall also insist upon excluding the votes of the following named

persons, who were permitted to vote after the time fixed by law for closing the polls, and after the polls had closed:

Frank Delaney—who voted at Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shelton, *alias* Chilton—who voted at Jamestown precinct, in Russell county.

I shall insist upon adding to my poll the votes of the following named persons, who voted for me, and were so recorded, and their votes stricken from the books by the judges of election, after said voters had left the polls, and were not recalled, and without their consent or approbation:

Archibald Sidwell—who voted in district No. 4, Clinton county.

Jesse Sidwell—who voted in district No. 1, same county.

W. A. Ellis—who voted at district No. 4, same county.

I shall insist upon rejecting the third page of the poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk as required by law; on that page the vote stood, Chrisman, 18; Anderson, 9.

I shall also insist upon striking from your poll the vote of Wm. R. Bowman, *alias* "Wm. Bowman," who voted in district No. 2, Boyle county, because said Bowman gave no vote in the congressional race, and by mistake of the clerk, his vote has been recorded for you.

I shall also insist on striking from your poll the vote of—

G. R. Vaught—who voted at the Somerset district, in Pulaski county; because the vote of the said Vaught was recorded, by mistake of the clerk, for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and the votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics; when, by the laws of Kentucky, there should have been an equal division of officers if they could be found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge; Greenup Meese, sheriff; and Willis J. Stogsdell, clerk of said district, are all democrats, and agree with you in politics, held said election at said district, and at the district the vote stood, Chrisman, 68, and Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk, he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, that a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake, and I deny that such a mistake was made, I shall claim that the whole vote of Kettle Creek precinct be rejected; because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hughes, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was 486, and so counted in the returns.

In the account sent to Frankfort from the county of Adair, the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may, and actually do, make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you have been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason that you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; but even if defeated in Congress, you would get the mileage and compensation anyhow.

1. John Ping—who voted at the Dallas district, in Pulaski county; because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county; because he was not 21 years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

4. David Sadler—who voted at the Harrison district, Pulaski county; because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county; because he was not 21 years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary for felony, from Whitley county, Kentucky, and served his time out therein, and was thereby, by law, disfranchised.

7. Erased.

8. Eli Dykes, jr.—who voted at the Somerset district, in Pulaski county; because he was a resident of the Bent district, Pulaski county, at the time of said election.

9. John L. Logan—who voted at the Harrison district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

10. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

11. Wesley Neal—who voted at the Buncombe district, in Pulaski

county; because he was not a resident of the State, county, or district for the time required by law.

12. Norris Williams—who voted at the Bent district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

13. Washington Reynolds—who voted at the Bent district, in Pulaski county; because of the same reason as last above stated.

14. James Parton—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

15. John Elder—who voted at the same district for the same reason as above.

16. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county; because he was a foreigner, and not a citizen of the United States.

17. Thomas Jenkins—who voted at the same district, and for the same reason as above.

18. Henderson Angell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

19. Patrick Doyle—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

20. Samuel Hansard—who voted at the same district; because there is no such voter living in said district.

21. John Davis—who voted at the Somerset district, Pulaski county; because he was not 21 years of age.

22. Wm. Burton, son of Benj. Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

23. Dunny Lustre, son of Jesse Lustre—who voted at the same district, and for the same reason.

24. J. J. Smiley—who voted at the Grundy district, Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

25. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not 21 years of age.

26. Joseph Keith—who voted at the same district, and for the same reason.

27. Daniel Chitwood—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

28. Jonathan Abbott—who voted at the same district, and for the same reason.

29. John Brown—who voted at the same district, and for the same reason.

30. Elijah Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county; because he was not 21 years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county; because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr.—who voted in the same district last named; because he was not a resident of the State, county, or precinct for the time required by law.

4. Daniel Sullivan, sen.—who voted at the Greensburg precinct; because of the same reasons last above named.

5. Selden Renfro—who voted at district No. 5, in Green county; because of the same reasons last above named.

6. Thos. Elmore—who voted at district No. 4, in Green county; because he was not 21 years of age.

1. George W. St. Johns—who voted at district No. 1, Wayne county; because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county; because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place; because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district; because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Greer—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

9. E. F. Waller—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

11. Andrew Henry—who voted at the same district; because he is not 21 years of age.

12. John Chriswell—who voted at the same district; because he was not a resident of the county or district for the time required by law; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district; because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district; because he is not 21 years of age.

15. Charles Orman—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

16. George Smith—who voted at the same district; because he is not 21 years of age.

17. William Terry—who voted at the same district ; because he was not a resident of the county or district ; in fact, he was a resident of Russell county at the time of the election.

18. George Arthur—who voted at the same district ; because, after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs, in Wayne county ; there is no such voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county ; because he was not a resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and further, because he is not entitled to vote in Kentucky, or anywhere else, he being under 21 years of age.

21. Thomas Rutherford—who voted at the same district ; because he is not 21 years of age.

22. Marion Stevenson—who voted at the same district ; because he is not a resident of the county or district for the time required by law.

23. Thomas Mus—who voted at the same district ; for the reasons last above named.

24. Wm. Scantland—who voted at the same district ; because he is not 21 years of age.

25. Sam'l Pennington—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

26. John Fredricks—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

27. James Daus—who voted at the same district ; because he is not a resident of the county or district ; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district ; because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchinson—who voted at the same district ; because he is not 21 years of age.

31. Wm. Weaver—who voted at the same district ; because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you when he first cast his vote for the other democratic candidates for the various offices of the State, &c.

32. William Foster, jr.—who voted in Mill Spring district ; because he is under 21 years of age, and not a resident of the district, as required by law.

33. George Payne—who voted at the same district ; because he is an idiot.

34. F. M. Marcum—who voted at the same district ; because after

he had recorded his vote for me, and had left the polls, his name was erased from the poll books, so far as his having voted for me.

35. Thomas Simpson—who voted in Mill Spring district, in Wayne county; because he was under 21 years of age.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county; because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district; because he was not 21 years of age.

38. Wm. Rule—who voted at the same district; for the same reason last stated.

39. Shelby Denny—who voted at the same district; for the same reason last stated.

40. Wm. Carter—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district; because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

43. John Sloan, jr.—who voted at same place; because of the reasons above named.

44. Berry Shoat—who voted at the same place; because of the reasons above named.

45. Andrew Hill—who voted at the South Fork district, in Wayne county; because he was not 21 years of age.

46. Granville Spradlin—who voted at the same place; because he was not 21 years of age.

47. William Brewster—who voted at the same place; because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place; he only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville; because he was not a resident for the time required by law.

50. William King—who voted at the same place; because he was not 21 years of age.

51. James Davis—who voted at same place; because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place; because of the reasons last above named.

53. Hiram Troxdall—who voted at the same place; because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county; because he was not 21 years of age.

55. Granville Shoat—who voted at the same place; because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county; because he was not a resident for the time required by law.

57. Isaac Mason—who voted at same place; because he is not a legal voter.

58. Stephen Loveall—who voted at same place; because he is under 21 years of age.

59. Gideon Loveall—who voted at same place; because he is not a legal voter.

60. Christopher Jones—who voted at same place; because he is not 21 years of age.

John Honey—who voted at Mullentown, not having been a resident of the district, State, or county the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice. If so, I hereby deny them. But I do admit that Abraham Monroe, whose vote you challenged, as I suppose, was not a legal voter; for if you will examine the poll-books, you will find that said Monroe voted for you, and is recorded and counted.

You have also challenged the vote of James Lair. The said Lair voted for you and is so recorded, but the same is illegal; and I therefore admit that as he voted for you his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested; but I expect to prove, and will prove, before said Congress, that I am honestly, fairly, and legally elected to that position; and I will state, that in the discharge of the high duty, as the representative from the fourth congressional district of Kentucky, endeavor to so act, as to meet with the confidence and respect of my constituents. The war-worn veteran, the children of the country, the widow, the orphan, shall, so far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Executed the within upon James S. Chrisman, (the within named,) by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *D. S.*

JAMES S. CHRISMAN: And I will, on the 23d day of November, 1859, at the court-house in the town of Somerset, Pulaski county, Kentucky, before D. H. Denton, presiding judge of the Pulaski county court, take the depositions of Robert Smith, James Delany, W. M. Adams, W. Adams, John P. Umruilly, Thomas Gibson, W. F. Scott, E. Milton, John Denny, Samuel Owens, James Denny, Reuben Denny, William Mounte, Peter Waddle, Wm. Grear, Jarren Ballow, Samuel Lane, R. Phelps, Tyre Turpin, Thomas Durham, John M. Hale, Wesley Hale, Thomas Hale, T. Q. Jasper, A. E. Massey, James Massey, William Davis, Richard Burnett, J. D. Alcorn, William McKee Fox, Frank Harrison, George R. Vaught, John M. Hayden, E. D. Porch, Ben. Compton, Jack. Patton, S. C. Severs, D. W. Russell, J. M. Widdle, W. F. Dobbs, W. L. Buchanan, Stephen Burton, J. Q. A. Richardson, Jo. B. Newell, S. H. Tate, A. M. Beaty, Jas. Jasper, Wm. Waddle,

J. W. Adams, Silas Tartar, Riley Mise, Jeff. Hargs, M. G. Mise, Allen Jones, J. M. Perkins, Thomas Doolin, Hamilton Hinds, J. M. Smith, Silas Poice, Olivia Waddell, J. H. Davis, John Owens, (Gains district,) Stephen Burton, Jack. Hart, Alfred Taylor, Haywood Simpson, Jack. Ingram, Eli Carell, Dudley Massengal, W. F. Patterson, and Wm. Love, all of which witnesses now reside in Pulaski county, except, may be, that Eli Carell and Dudley Massengal live in the county of Wayne.

W. C. ANDERSON.

Mr. JAMES S. CHRISMAN: You are hereby notified that on the 23d 24th, 25th, 26th, and 27th days of November, A. D. 1859, at the court-house in the town of Somerset, Pulaski county, Kentucky, I will take depositions, to be read as evidence before the House of Representatives of the United States in Congress assembled, in the matter of contest between you and myself, relative to the election held on Monday the 1st day of August last, for representative of the fourth congressional district of Kentucky, at which election I was duly elected by the qualified voters of said district a member of the House of Representatives of the 36th Congress, and my right to a seat and membership therein is contested by you. In addition to the depositions I have heretofore notified you that I would take, I will take those of the following named persons, viz: John W. Adams, Robert Woodcock, H. Dugan, P. H. Wilson, John R. Richardson, Richard Burnett, James Burnett, D. A. Davis, E. Brown, John G. Edwards, Archibald B. Haynes, Wm. L. Brown, Anna Mounce, Betsy Mounce, Thomas Hail, Adam Marsee, David Marsee, Thomas P. Minks, H. T. Minks, Nathan Buchanan and wife, Kezziah Burton, James Jasper, Polly Durham, Stephen Burton, William Strunk, Allen Morgan, Horace Withers, Daniel Lowder, Dickerson Thompson, Malinda Loveall, James Ecton, Michael Kelly, Thomas Hughes, A. J. Ingram, William M. Fox, William Colyer, and Henry Muce, son of Polly Muce, which depositions are to be read to sustain all the votes challenged by you, and to show that the following named persons, whose votes were cast for you at said election, were not qualified voters, but were incompetent and illegal, for the reasons herewith assigned and annexed to their several names, viz:

Thomas Langdon, an idiot, voted at district No. 5.

Frank Bishop, an idiot, same voting place.

William Stewart, an idiot, same voting place.

Otho Daugherty, Gaines district, No. 2, disfranchised by being convicted to the penitentiary, and not in the county or district long enough.

Stephen Loveall, Harrison district, No. 3, not 21 years old.

William B. Cowan, Gaines district, No. 2, not in the district long enough.

P. Maxey, Gaines district, No. 2, not 21 years old.

Willis Watkins, Gaines district, No. 2, not a resident of the district in which he voted.

William Burton, Gaines district, No. 2, not a resident of the district in which he voted.

Christian Grier, sen., and Christian Grier, jr., voted at Gaines district, No. 2; both foreigners, and did present naturalization papers. Aliens, not naturalized.

Also that the votes of the following named persons are set down on the poll-book of Pulaski county for you and counted for you, when, in fact, their votes were cast for me but counted against me, viz:

Horace Withers, Somerset district, No. 1.

Daniel Lowder, Price's district, No. 5.

At which times and places you can attend if you see proper. This 25th day of October, 1859.

Very respectfully, yours, &c.,

WILLIAM C. ANDERSON.

STATE OF KENTUCKY, *Pulaski county, set:*

I, M. E. Burkhart, a constable of district No. 1, in and for the county and State aforesaid, do certify that I executed the within notice on James S. Chrisman, on this day, by delivering to him a true copy of same. This 25th day of October, 1859.

M. E. BURKHART,

Constable of Pulaski County.

Sworn to by M. E. Burkhart, before me, this 25th day of October, 1859.

E. D. PORCH,

Justice of the Peace of Pulaski County.

WILLIAM C. ANDERSON:

SIR: You are notified I will appear before the House of Representatives of the Congress of the United States, at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district, for the State of Kentucky, on the 1st day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people qualified to vote, to said office. Your right will be contested on the following grounds:

1. A majority of the votes polled at said election between us were for me, and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board, duly transmitted to the State board, the latter in their canvass and estimate of

the votes of said district, in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been *seven* votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were by fraud or mistake of the officers of the election recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters, who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting, when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote *twice* for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased, and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit:

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth, and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted when his vote was cast.

William Gibson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as above last stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

William Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

A. L. McGee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State,

county, or precinct in which he voted for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodesmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to, and confined in the Kentucky penitentiary for larceny, by the judgment of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not 21 years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not 21 years of age, and not a resident of the State, county, or precinct in which he voted for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not 21 years old when he voted.

Thomas Roy—Because he was not 21 years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not 21 years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stevenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not 21 years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named, and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not 21 years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and con-

fined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not 21 years of age when he voted.

T. W. Lukins *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me, but by mistake of the clerk his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me:

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason, he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not 21 years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted for the time required by law.

Lee Yager—Because of the same reason last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergaft, Nat Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books, and

all the votes recorded at the Ireland precinct, in the county of Taylor, because the officers of said election, who conducted and held the same, nor neither of them, were sworn according to law, nor was the said poll-book certified by the officers, as required by law.

I shall also object to and insist upon rejecting the poll-book, and all the votes given at the 7th district, in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, *to wit*:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above named subscriber before me, clerk of the Boyle county court, this 20th of September, 1859.

JAS. F. ZIMMERMAN, *C. B. C. C.*

The deposition of GEORGE R. VAUGHT, taken at the court-house in the town of Somerset, Pulaski county, Kentucky, on the 23d day of November, 1859, to be read as evidence in the matter of controversy, wherein James S. Chrisman is contesting, before the House of Representatives of the Congress of the United States, the right of William C. Anderson to take and hold his seat as representative from the fourth congressional district of Kentucky.

Witness being of lawful age and first duly sworn, says:

By Anderson's attorney. Where do you reside, in what county and precinct did you vote at the last August election, and for whom did you vote in the race between James S. Chrisman and W. C. Anderson, candidates for Congress?

Answer. I live in Pulaski county, about five miles from this place, on Clefty creek. I voted in Pulaski county at the Somerset precinct. I voted for W. C. Anderson for Congress at the last August election.

By same. If your name is recorded as having voted for both Chrisman and Anderson at said election, or for Chrisman alone, is it or not a mistake of the clerk of the election?

Answer. It is a mistake if so recorded.

Cross-examined.

Did you vote by ticket or *viva voce*?

Answer. I voted by ticket.

For whom did you vote at said election, beside Mr. Anderson, for the various offices?

Answer. I do not recollect now who they were.

Do you recollect what sort of a ticket you used? and if so, state and describe the ticket.

Answer. I voted the American ticket throughout, except for John Griffin.

Are you sure you voted for Mr. Griffin?

Answer. I am.

Was your vote so recorded?

Answer. I expect it was; I did not see it recorded.

Were the words "American ticket" written or printed on the top of the ticket you used in voting?

Answer. It was printed.

Was your vote cried aloud by the sheriff of the election?

Answer. It was.

Did the sheriff cry your vote for Griffin?

Answer. He did.

You have stated that if your vote stands recorded on the poll-book for Chrisman that it is or was a mistake made by the clerk of the election. How do you know that the clerk made such mistake, or who marked your vote for Chrisman, if it is so marked?

Answer. I don't know who made the mistake.

Why then did you state that the clerk of the election made it if your vote was so recorded?

Answer. If I said that the clerk made the mistake it was a mistake in me.

Do you ever drink any spirits?

Answer. I do.

Do you ever drink to intoxication?

Answer. I do.

How were you on the election day last August—drunk, drinking, or sober?

Answer. I was sober up to the time I voted; I had not drank anything till I voted.

What time of day did you vote?

Answer. It was in the forepart of the day.

State the hour, as well as you remember, and how many votes you think had been polled before yours?

Answer. It was about 11 o'clock, as well as I can recollect at this time.

Do you now state that you had not drank any spirits up to 11 o'clock on the day of the August election, or certainly up to the time you voted?

Answer. I had not drank up to the time I voted.

Look on the poll-book for precinct No. 1, in which you voted, and state whether your vote is or not recorded for Griffin?

Answer. I can't read.

If it is not so recorded, is or not the failure to record it a mistake made by some one?

Answer. It is.

By Anderson's attorney. If your vote is recorded for Chrisman, is or not that a mistake of the person who so recorded it?

Answer. It is a mistake.

And further saith not.

GEO. R. VAUGHT.

Also the deposition of ABRAHAM HAINES, taken at the same time and place, for the purpose mentioned in the caption, who, being of lawful age and first duly sworn, says :

By Anderson's attorney. What is your name? Where do you reside? For whom did you vote, at the last August election, in the race between Chrisman and Anderson? and in what county and precinct did you vote?

Answer. Abraham Haines is my name ; I reside in Pulaski county ; I voted for Mr. Anderson in the Juggernaut precinct, No. 10, in Pulaski county.

Cross-examined.

How long have you resided in the State of Kentucky?

Answer. About three years the 15th or 20th of January next.

How long in Pulaski county?

Answer. Between the 10th and 20th of last March ; I landed at Waitsborough, at that time, in said county.

How long did you remain at Waitsborough? and where did you go next?

Answer. I left there about the 15th of April, and went to Wait's steam-mill, where I voted.

Did you remain at Wait's steam-mill, from the time you went there, until the August election, all the time?

Answer. I did.

Have you a family?

Answer. I have.

When you made the various moves, about which you have spoken, did your family move with you at the same time you went, as before stated?

Answer. My family went with me when I moved.

Where did you last reside before you removed to Waitsborough?

Answer. In Union county, Kentucky.

Before your last-mentioned residence, where did you live?

Answer. In Wetzel county, Virginia.

How long did you live in Union county, Kentucky?

Answer. Better than two years.

What did you follow while living in Union county, Kentucky?

Answer. I was running an engine most of the time.

When you moved to Wait's mill, did you go to stay permanently, or only for a time, or temporarily?

Answer. I went to remain permanently ; I live there now.

What contract had you with Wait prior to removing to his mill?

Answer I went there to run by the thousand feet.

Do you know of any man of foreign birth who voted for Anderson, in the last election, for Congress, in this fourth Congressional district?

Answer. I do not.

Do you know of any one under twenty-one years of age at the time of voting who voted for Anderson in said election?

Answer. I do not.

Do you know of any one who voted for said Anderson, in said election, who had not, at the time of voting, resided in Kentucky two years, and the last sixty days thereof in the election precinct in which such voter voted?

Answer. I do not.

[Mr. Chrisman excepts to the reading of this deposition, because he has had no notice that such witness would be examined.]

By Anderson's attorney. In what precinct, in Pulaski county, is Wait's mill?

Answer. It is in Juggernaut.

By same. In stating above that you resided in Waitsborough until you removed to Wait's mill, do you mean that you resided in Waitsborough, or in the vicinity of Waitsborough and the town, until that time?

Answer. I lived in Waitsborough and vicinity during the time before I went to Wait's mill, instead of Waitsborough all the time.

And further saith not.

ABRAHAM HAINES.

Also the deposition of WILLIAM F. PATTERSON, taken at the same time and place, and for the purpose mentioned in the caption, who, being of lawful age, and first duly sworn, says :

By Anderson's attorney. For whom did you vote at the last August election in the race for Congress between Anderson and Chrisman? In what county and precinct? How long had you resided in said county and precinct?

Answer. I voted for W. C. Anderson, in Pulaski county, and at Somerset. I held my residence in the above precinct, from the 26th day of May last, up to the election.

By same. From whence did you remove to said county and precinct? and how long have you resided in the State of Kentucky.

Answer. I moved from Russell county, Kentucky, and precinct of Jamestown; was born and raised in the State of Kentucky.

By same. Had you a family, and did you remove them with you from Russell?

Answer. I had a family, and did remove them with me on the same day.

Cross-examined.

Did you or not reside on the same tract of land, and within a few yards of your father's residence, prior to your removal to Pulaski?

Answer. I did.

Were or not you and your father doing business together for years prior to said removal?

Answer. We were.

Did you or not live and have your household property in a house to yourself prior to said removal?

Answer. I did.

When you left Russell county, Kentucky, did you take with you to Pulaski your household property, or did you close up your dwelling-house doors, leaving your said property therein?

Answer. The same day I left Russell I had one team, and brought such of my household as I should need while I boarded with Samuel Owens.

What property did you move on that day, and what did you leave in your dwelling-house?

Answer. I brought with me some beds, bed clothes, and all the wearing clothes for summer use; one bureau, some of my books, instruments, &c. I left some bedding, some books, my cupboard ware, and cooking utensils.

When you started, did you know where you were going to or how long you would stay?

Answer. About the 1st of May I came to Pulaski with the view of selecting a boarding place until I could see further. I made the necessary arrangement with Samuel Owens, and returned home, gathered together such things as mentioned above, and moved direct to Mr. Owens's.

When did you remove the things you left, as above stated by you, if at all?

Answer. I have had brought from Russell, since the election, some of my bedding, &c.

Does or not much of your said property remain in your said house in Russell county?

Answer. I may have a few books and some cupboard ware; beyond this I do not know, unless I have two trunks, worthless.

Did you or not leave that house with the intention of some day returning to it for a residence?

Answer. I cannot say that I will ever see it again; I left with no purpose of returning to it as a residence.

Do you or not now intend or expect that you will at some future time return to your said house?

Answer. I do not.

What voting precinct does Mr. Owens, the man with whom you boarded, live in?

Answer. I do not know.

Did you or not count up the days and leave Russell with a view to save your vote, and had you any fixed home in the Somerset precinct sixty days before the election?

Answer. I was anxious to have my privilege as a voter, and did make my calculation as to when I should leave in order to vote in my new precinct, and did have my family in said district sixty days prior to said election.

How long did you board at Owens's?

Answer. I boarded at Owens's from the 26th day of May to the 14th day of June, when I moved my family to Mr. Adams's hotel, in Somerset.

For what time did you engage boarding with Mr. Owens?

Answer. I arranged with Mr. Adams for board until after the election. I had made rather an indefinite arrangement with Mr. Owens, but my purpose was, at that time, to remain in the Somerset district, at least for my family, and probably locate finally in a residence of my own.

While boarding at Owens' and at Adams' did you or not all the time intend to procure for yourself and family a house and residence, and move into it and settle?

Answer. I came to this district with a fixed purpose of making it my home, and while at Owens' and Adams' I continued so to think, and do now intend, so soon as I can arrange my affairs to suit, to buy a place and reside there. Any purpose beyond this I have not.

Did you or not simply intend to remain in the district in which you voted until after you had voted, and did you not then after the election intend to make your home somewhere in Pulaski county, at whatever point suited you best?

Answer. I had made up my mind to locate and have my residence in the neighborhood of Waitsboro'. I moved into said neighborhood in time to comply with the time prescribed by law. I did intend to remain there up to the election, and did intend to remain and claim Somerset as my place of voting, and do now, and have all the time claimed that as my residence, any moving or being out as only temporary.

Are you or not now keeping house in Pulaski county; if so, in or out of the precinct in which you voted?

Answer. I do now keep house, and out of the Somerset district—at Carneals & Co.'s mill—and will be there indefinitely, but do not regard that as my permanent residence.

Did you or not move to said house where you now live when you left Adams' Hotel, in Somerset?

Answer. I did.

Have you now any permanent house or settled home?

Answer. I now am running Carneals & Co.'s mill; I have my family with me temporarily, and suppose I will be there until I can arrange to return to the neighborhood above mentioned.

Are you or not a member of the American party, and voted for Anderson and the ticket?

Answer. I voted for W. C. Anderson and the opposition ticket generally.

Do you know of any person not having the legal qualifications who voted for Anderson, to wit: who had not resided two years in Kentucky, and sixty days in the precinct in which he voted, or one year in the city, and 60 days in the precinct in which he voted, or who was of foreign birth?

Answer. I do not.

By Anderson's attorney. Did you, in fact, have any other home, from the time you moved from Russell county, in May last, until the election, besides Sam. Owens', and Adams' Hotel, in Somerset?

Answer. I did not. And further saith not.

W. F. PATTERSON.

Also the deposition of Geo. W. Owens, taken at the same time and place, and for the purpose mentioned in the caption, who being duly sworn, and of lawful age, says:

By Anderson's attorney. Are you acquainted with Ivory Thompson, and do you know for whom he voted at the last August election in the race for Congress between Chrisman and Anderson; and do you know in what county and precinct he voted?

Answer. I am acquainted with Ivory Thomson; I know where he voted; he voted at the Harrison precinct, Pulaski county; he voted for Wm. C. Anderson.

By same. Do you know, if so, state, in what precinct he resided at the time of the election; had he a family; and where were they residing at the time of said election?

Answer. He and his family resided at that time in the Harrison district; I don't know how long since he moved there; he moved in that district about a year ago last August or fall; he lived there until about the last of March, at which time he went to the Gaines district to make a crop of corn.

By same. Do you know where his home was during the time he was in the Gaines district, whether it was in the Gaines district, or whether he went there merely for a temporary purpose or not?

Answer. I don't know where his home was, except from his own statements, that is, as to the time he was in the Gaines district.

By same. Do you know Sam. Pennington? Do you know where he voted at last August election, and for whom he voted in the race for Congress between Anderson and Chrisman?

Answer. I know Samuel Pennington.

By same. Do you know where Sam. Pennington resided at last August election, and how long he resided there?

Answer. I was in Wayne county about the last of October, 1858; he told me that he was going to move to Virginia; that he had sold out all his property, and that he never expected to see deponent again, as he was going there to reside.

By same. Had he any family; and were they then with him?

Answer. He had his wife with him; I believe she was all the family he had.

By same. State, as nearly as you can, the first time you saw him since that time.

Answer. I believe it was at the September term of the Pulaski circuit court for this year.

[J. S. Chrisman excepts to the examination and reading of the foregoing deposition of Geo. W. Owens, because he hath had no notice that such witness would be examined on this occasion, and not waiving such exceptions proceeds to cross-examine witness.]

Was Ivory Thompson married or single when he first moved into the Harrison precinct?

Answer. He was single.

When he left the Harrison precinct and moved over into the Gaines precinct was he or not still single, with no family?

Answer. I don't know whether he moved or not; he was a single man when he went to the Gaines district.

How long did he remain in the Gaines precinct, and what did he follow while there?

Answer. I don't know how long he remained there, nor do I know what he followed; I saw him chopping corn at one time.

Give your best recollection of the length of time he remained in the Gaines precinct?

Answer. I don't know; he may have staid there two months or may be longer.

When he went back into the Harrison precinct, was he single or married?

Answer. I think he married before he returned, that is before he was finally done work in the Gaines district. He was backwards and forwards to the Harrison district nearly every Sunday, and sometimes during the week between.

Had he father or mother residing in the Harrison precinct?

Answer. I don't think they do. I think they live in the Gaines district.

Did he own any land in the Harrison precinct?

Answer. I think not, nor in any other place, nor at any time has he.

When he married, when and where did he first go to housekeeping?

Answer. In the Harrison district, at Asberry Morrow's; the marriage was some time before the election. I don't know at what time he went to keeping house.

Is Ivory Thompson related in any way to Asberry Morrow?

Answer. If he is, I don't know it.

What political party do you belong to, and for whom did you vote at the last August election?

Answer. I voted the opposition ticket throughout, and for Mr. Anderson for Congress, but belong to no party, and expect to vote the same way hereafter.

By Anderson's attorney:

Did Ivory Thompson raise a crop of any sort in the Harrison district last summer at the same time he attended the corn crop in Gaines district?

Answer. He made a wheat crop in the Harrison district, at Asberry Marrow's.

Where does the said Thompson now reside?

Answer. I don't know.

And further saith not.

GEORGE W. OWENS.

Also the deposition of Kezzia Burton, taken at the same time and place, and being of lawful age, and first sworn, states :

By Anderson's attorney:

Are you acquainted with Elijah Burton; and where did he reside at the last August election?

Answer. I am acquainted with Elijah Burton; I don't know where

he was living at that time. He was living in the same county that we were living in. He lived in Pulaski county.

By same. What was the age of Elijah Burton on the 1st day of last August?

Answer. I don't know.

By same. Is he as much as twenty-one years old now?

Answer. He may be twenty-one years old next May. He is not quite a year older than my oldest son, who is nineteen years of age. He may be twenty or twenty-one; I don't know which.

Were you present when Elijah Burton was born?

Answer. I was not.

Do you know what year he was born in?

Answer. I do not.

Do you know what month he was born in?

Answer. He was born in May.

Are his parents living?

Answer. They are not.

Have you ever seen any Bible record of his age?

Answer. I have not.

Are you any kin to said Elijah Burton?

Answer. We are sisters' children.

Has said Elijah Burton any older brothers or sisters in this county, or uncles or aunts?

Answer. He has brothers and sisters, and uncles and aunts older than he is in this county.

Do you know in what year you were born?

Answer. I am not scholar enough to know it.

Do you know in what year your oldest child was born?

Answer. I do not know anything about that. And further saith not.

KESSIAH BURTON.

Adjourned until to-morrow morning, half-past eight o'clock.

D. H. DENTON, *P. J. P. C. C.*

Met pursuant to adjournment, Thursday morning, the 24th day of November, 1859, and resumed the taking of the depositions.

The deposition of Pleasant H. Wilson, taken at the place mentioned in the caption, on the 24th November, 1859, who being of lawful age, and first duly sworn, says:

By Anderson's attorney. Are you acquainted with John Davis? Do you know in what county and precinct he voted at the last August election, and for whom in the race for Congress between Chrisman and Anderson?

Answer. I am acquainted with John Davis. I did not see him vote, but he lives in this district, Somerset, Pulaski county. I do not know who he voted for in the race for Congress between Anderson and Chrisman.

By same. Do you know of your own knowledge, or from the statements of John Davis, what his age was at the time of the last August election?

Answer. I heard John Davis say in a conversation, which I think was before the election, that he was not old enough to vote.

By same. Whose son is the John Davis of whom you have spoken; and is there any other John Davis living in the Somerset district of Pulaski county?

Answer. His father goes by the name of Backster Davis; there is another John Davis living in this Somerset district, who is a shoe-maker and lives in Somerset.

Cross-examined.

Did or not the former John Davis, about whom you have spoken, say in the same conversation that he would vote for Anderson if he voted at all?

Answer. He did say that if he was old enough he would vote for Anderson; that his family was against him in politics.

What time and place did you hear said conversation?

Answer. I think it was a short time before the election; it was at Yachery's grocery, in Somerset; he was drinking a little at the time.

Can you be certain that John Davis made the statement as you have stated, or might it not have been his younger brother only who spoke in that way?

Answer. He was the one that said it. His younger brother stated that if he was old enough he would vote for Chrisman.

Were they or not both drunk and disputing about politics?

Answer. They were a little intoxicated and talking about the election; they were not disputing.

Do or not the said John Davis' parents live in the said Somerset precinct, Pulaski county, Kentucky?

Answer. They live about five miles from Somerset; I have understood that it is in this Somerset district.

Have you ever seen any record of said John Davis' age, or do you know anything about his age?

Answer. I know nothing about his age except what I heard him say at that time.

And further saith not.

P. H. WILSON.

Also the deposition of M. G. Mize, taken at the same time and place as the foregoing, and for the purpose mentioned in the caption:

By Anderson's attorney. Are you acquainted with Norris Williams? Do you know for whom he voted at the last August election in the race for Congress between Anderson and Chrisman, and in what county and precinct he voted?

Answer. I am acquainted with Norris Williams; he voted for Chrisman at the last August election in the race for Congress. He voted in Pulaski county, in the Bent district.

By same. Do you know yourself, or from the statements of Norris Williams, in what precinct in Pulaski county he resided at the time of the election?

Answer. He was in the Bent district at the time of the election, but he told me that he had no settled home, but lived among his children. He said that the Bent district was not his home, nor was the Grundy district; that one of his children lived in the Bent, one in the Grundy, and one in the Fishing Creek district, and he also said that his washing was not done in the Bent district or Grundy district.

What aged man is Norris Williams?

Answer. He is about sixty years old.

Are not his children all grown and have settled homes of their own?

Answer. His children are all grown and have settled homes.

Has the old man any wife living?

Answer. He has not.

Was or not the substance of what you heard him say, that he lived awhile with one and then awhile with another of his children, and had his washing done and kept his clothes wherever he stayed?

Answer. He said he did not make any of their houses his home; that he had no settled home.

Did he or not say in substance that he lived with his children, with one awhile and awhile with another, and that he had no other home only among his children, and that he stayed with them time about, and kept his washing where he stayed?

Answer. He stated that he stayed about and about, first on Fishing creek and in Grundy district and the Bent.

Who did he say he stayed with on Fishing creek?

Answer. He said he stayed with one of his children.

Did he or not also say that he stayed with one of his children in the Bent district.

Answer. He did not say he did, but I inferred that he meant that. By same. Does or not one of his children live in the Bent district?

Answer. One of them lives there.

Has or not the old man heretofore voted in the Bent district?

Answer. He has voted there.

Has the old man any real property?

Answer. Not that I know of.

Has he any personal property except clothes?

Answer. Not that I know of.

Were you or not one of the judges of the election in the Bent district, No. 7, last August, and were not all the officers of that election legally sworn?

Answer. I was one of the judges of the election in that district, and all the officers were sworn.

What are your politics, and for whom did you vote at said August election of 1859?

Answer. I voted the American ticket, and agree in principle with them.

Who was the judge of the county court who appointed you, and what his politics?

Answer. Judge Denton appointed me. I do not know what his politics are.

For whom did you vote for Congress last August?

Answer. I voted for Anderson.

By Anderson's attorney. At what time did the conversation occur between you and Norris Williams, about which you have spoken above?

Answer. It was before he voted. He had come up to vote.

By same. Who were the other officers of the election at the Bent district, at last August election, besides yourself, and what were their politics?

Answer. Willis Stogsdill, Joseph Reynolds, and Greenup Meece. They are all democrats, but one of them did not vote all the democratic ticket. I don't wish to be understood as saying that Meece is a democrat. I don't know what party he belongs to. I think he voted for Fillmore, which is the only American vote he ever gave that I know of.

By same. Were there or not as many or more than two persons living in Bent district at last August election who voted the entire opposition ticket, and who are known to be opposed to the democratic party in principle?

Answer. I don't think there was but one who voted all the opposition ticket outside of the officers.

By same. Were there as many as two men in said district, including yourself, who voted for Anderson at last August election?

Answer. There were two who voted for Anderson at the last August election.

And further saith not.

M. G. MIZE.

Also the deposition of David W. Russell, taken at same time and place as above, for the purpose mentioned in the caption, who, being of lawful age, and first sworn, says :

By Anderson's attorney. Are you acquainted with Norris Williams? Do you know for whom he voted at the last August election in the race for Congress, and in what county and precinct he voted?

Answer. I am acquainted with Norris Williams. I do not know who he voted for for Congress.

By same. Do you know in what county and precinct he was residing at the time of the last August election?

Answer. His residence was at the poor-house in Pulaski county, in the Gaines district. I have been a trustee of said house for several years. He has been an inmate of it for some years past. He has been there this year.

By same. Has he been supported at said poor-house during the present year, or has any allowance been made by the county court of Pulaski county for his support there for the present year?

Answer. An allowance was made yesterday for his support at the poor-house this year; that is, up to the present time.

By same. Are you one of the justices of the peace of Pulaski county, and were you present at the court of claims when said allowance was made?

Answer. I am one of the justices referred to, and was present when the allowance was made.

By same. What is about the age of said Norris Williams ; what family or children has he, and where are they residing ?

Answer. I think he is somewhere in seventy. He has a daughter living in the Harrison district, a son in the Bent. He has no wife. He has not kept home for a great many years, and has been a county charge for the last ten or twelve years.

Cross-examined.

Is the poor-house for Pulaski county kept at your house ; if not, how far from you ?

Answer. It is not at my house. It is about seven miles from my residence.

How often do you generally visit the poor-house in person ?

Answer. I have been allowed pay for my attendance for five days, but I have frequently been there and past there. This is for a year past.

How often have you seen Norris Williams at said poor-house since the November court of claims, 1858 ?

Answer. I have seen him there two or three times.

When did you last see him at the poor-house prior to the last August election ?

Answer. I cannot say.

Do you know that he was at the poor-house at all within sixty days prior to the last August election ?

Answer. I do not.

Have you or not known him to leave the poor-house frequently and go and live or stay among his children ?

Answer. I have known him to do so and return again.

Is he or not a restless old man, and does he or not divide his time, staying a part thereof among his children and part at the poor-house ?

Answer. He is a restless old man, and does not stay long at the poor-house. He claims that as his home. He remains a part of the time with his children.

Do you know John Conner, and is he or not of foreign birth ?

Answer. I know him, and he claims to be a foreigner. He voted for Anderson at the last August election. He presented his naturalization papers at the time he voted. I read them and so did the judges of the election.

And further saith not.

DAVID W. RUSSELL.

Also the deposition of Lemuel Mounce, taken at the same time and place, and for the purpose mentioned in the caption to the first deposition.

Witness being of lawful age, and first duly sworn, says:

By Anderson's attorney. Are you acquainted with Abraham Mounce ; and in what county and precinct did he reside at the time of last August election ?

Answer. I am acquainted with Abraham Mounce. He is my

sister's child. He lived in Pulaski county and Juggernaut precinct at the last August election.

By same. Do you know what Abraham Mounce's age is? and if so, state how old he is.

Answer. I know by my marriage. He was born Christmas after we were married. We were married in the spring. He will be twenty-one next Christmas.

By same. In what year and month were you married?

Answer. We were married in wheat harvest; I can't count it up.

By same. To whom were you married in the time of wheat harvest, preceding the Christmas at which Abraham Mounce was born?

Answer. I was married to Vina Barnes.

By same. Have you been married at any other time besides the time you married Vina Barnes?

Answer. I have been married twice besides that.

[James S. Chrisman excepts to the foregoing deposition of Lemuel Mounce, because he has had no notice that such witness would be examined, and not waiving such objection proceeds to cross-examine.]

You have stated that you were married in the spring, and that Abraham Mounce was born the next Christmas; please state what time in the spring you were married, and what day of Christmas Abraham Mounce was born.

Answer. I was married in wheat harvest, and Abraham Mounce was born the 25th day of December next following.

What time did wheat harvest come the year you were married?

Answer. It was at the usual month that wheat harvest comes.

Does wheat harvest generally come in the spring or summer?

Answer. It comes in the summer.

Were you present when Abraham Mounce was born?

Answer. I don't know that I was there at the time, but directly afterwards.

Does his mother reside in Pulaski county?

Answer. She does.

What year was Abraham Mounce born in?

Answer. I can't tell what year it was, but he was born as I have stated.

What year were you married in; either the first, second, or third?

Answer. I can't tell the year of either marriage.

What year is this since the Christian era?

Answer. I can't tell you; I can't read.

How many children have you?

Answer. I have twelve.

When was your eldest child born?

Answer. She will be twenty-one next May.

Have you any record of her age?

Answer. It was put down in the Bible, but it can't be read at this time.

How then do you know her age?

Answer. I know by my marriage.

How many years have you been married?

Answer. I have been married twenty-one years last or next wheat harvest; I don't know which.

Then do you know whether your eldest child will be twenty-one next May, or was twenty-one last May?

Answer. It is next May.

For whom did you vote last August for Congress?

Answer. I voted the democratic ticket throughout.

What precinct did you vote in?

Answer. At the Juggernaut.

And further saith not.

LEMUEL MOUNCE.

Also the deposition of Thos. P. Minks, taken at the same time and place, for the purpose mentioned in the caption. He being of lawful age, and first sworn, states:

By Anderson's attorney. Are you acquainted with Willis Watkins; do you know for whom he voted at the last August election for Congress, and in what county and precinct he voted?

Answer. I am somewhat acquainted with Willis Watkins. I don't know who he voted for. He voted in Pulaski county, and in the Gaines district.

By same. Were you present when he voted, or do you merely know that he was in the Gaines district during the day of the election?

Answer. He was at the voting place in the Gaines precinct at the election in August, and I only know that he voted by hearing him or others say he had voted.

By same. In what precinct in Pulaski county had Willis Watkins been living for the last sixty days before the last August election?

Answer. He had been living in the Gaines district upwards of sixty days before the August election.

By same. When did he come to the Gaines district, and for what purpose did he come, and where did he come from?

Answer. I can't tell the day, but it seems to me it was in March last; he came to our house; there was an Indian doctor there, and he came there to be doctored.

By same. When did he come from your house?

Answer. I don't know.

By same. Did he intend staying at your house any longer than whilst he was under the treatment of the Indian doctor, and did he make any arrangement for staying there any longer than whilst he was under such treatment?

Answer. I don't know about that; he is a tailor by trade; he got some work to do while he was there.

By same. Did he or not leave your house and go to David Massey's, in the Harrison district, some time before the August election; if so, how long before the election, and how long did he stay away from your house, and how long before the election did he return to your house?

Answer. He went there and remained awhile, though he had a part

of his washing at father's while gone ; I can't tell how long he was gone ; he came back to my father's either the night before the election or a day or two before, I can't tell which.

By same. You have said he had his washing, or a part of his washing, at your father's whilst he was absent at Massey's ; where did he have the balance of his washing during that time ?

Answer. I suppose if he had any other clothes washed he had them washed at Massey's ; I don't know that he had any done there.

By same. When did he leave your father's house, and when did he take his clothing away from there ?

Answer. To make a guess at it, it was about a week afterwards.

By same. Did you ever hear Willis Watkins say, during the time he was at your father's house, where he claimed his home, or how long he was going to stay at your father's house ?

Answer. If I did I do not now recollect.

By same. Did Willis Watkins ever live in Gaines district either before the time he was at your father's house or since ?

Answer. I don't know that he ever did that I know of.

By same. When he was absent from your father's house at David Massey's, was he absent as much as one, two, three, four, or five weeks ?

Answer. I judge it was two weeks or more ; I can't tell how long it was.

By same. In what district is David Massey's, and where has Watkins been living since he left your father's house ?

Answer. David Massey's is in the Harrison district ; I suppose he has been living at Massey's a part or all the time for all that I know.

Cross-examined.

By Chrisman. Has Mr. Watkins any landed possessions or family ?

Answer. He has no wife or family with him.

By same. Do you know of any land, house, or property that he owns in Pulaski county ?

Answer. I do not.

By same. Is he or not by trade a tailor ?

Answer. He is.

By same. Has he or not resided in Pulaski county for many years ?

Answer. I never saw him until he came to my father's last spring.

By same. Do you know of any reason why Mr. Watkins left your father's and went to Massey's before the election when he did ; and if you do, give the reason ?

Answer. My mother was expecting to be confined, and desired him to leave until she got well.

By same. When she had been delivered, did she or not send Mr. Watkins word that he might return home again to your father's ?

Answer. She did send such word by me.

By same. How long after Mr. Watkins left your father's until your mother was delivered ?

Answer. I think it was the same day.

By same. Was or not Mr. Watkins' return to your father's house

delayed by a relapse which kept your mother in bed longer than usual?

Answer. I think it was ; he did not come at the time I told him.

By same. When he left, was it or not his avowed intention to return when your mother recovered?

Answer. I never heard him say anything about it.

By same. Did he or not leave his clothes at your father's, and have all his washing done there as far as you know during his stay at Massey's before the election?

Answer. I know but little of it of my own knowledge ; I saw a part of his clothes at father's.

By same. Was or not Massey the son-in-law of your father?

Answer. He is.

By same. Did or not Mr. Watkins say at the time he went to Massey's he did not intend to move his washing from your father's?

Answer. I heard him say that he wanted or intended to keep his washing there until after the election.

By same. Did or not your mother make the arrangement for him to go to Massey's and stay until she was sick and recovered?

Answer. I heard Mr. Watkins say so.

By same. What is your age, and are not your parents both living in Pulaski county, Kentucky?

Answer. I was twenty-four years old last October ; my parents both live in Pulaski county.

By same. Are not Willis Watkins and David Massey, to whose house Mr. Watkins went before the election, both now present and hearing your testimony?

Answer. They are. And further deponent saith not.

THOMAS P. MINKS.

Also the deposition of Benj. Compton, taken at the same time and place, and for the purpose stated in the caption, who being first sworn, states :

By Mr. Anderson's attorney. Are you acquainted with Thomas Langdon, and how long have you known him ; do you know for whom he voted at the last August election in the race for Congress, and in what county and precinct?

Answer. I am acquainted with Thomas Langdon ; he lives in my district ; I have known him five or six years ; he voted for James S. Chrisman ; he voted in the Price precinct in Pulaski county.

By same. At the time of the August election, and for some time before, what was his capacity as to intelligence and sense, and capacity to attend to ordinary business?

Answer. He is generally considered an idiot or a very foolish person ; he has not got capacity sufficient to vote ; they have to give him a ticket ; I could not call him a plumb idiot ; his capacity is only moderate ; he works some, and always has some one to manage him.

By same. Has he capacity sufficient to attend work or business in such a way as to make his own living?

Answer. I would say not.

By same. Are you acquainted with Frank. Bishop ? For whom did

he vote at the last August election for Congress, and in what county or precinct did he vote?

Answer. I am acquainted with Frank. Bishop; he lives in my district; he voted for Chrisman for Congress; he voted in Price precinct, Pulaski county; I have known him five or six years.

By same. What is his capacity as to sense and ability to attend to his own business, and what was it at the time of the last August election?

Answer. He is not capable of doing hardly any business of any note, and was so at the last August election; he knocks about on the farm; he has hardly any capacity; his father sees to him.

By same. Are you acquainted with Wm. Stewart, sr.? How long have you known him? For whom did he vote at the last August election for Congress, and in what county and precinct?

Answer. I am acquainted with Wm. Stewart, sr.; I have known him for eight years; he voted for Chrisman for Congress; he voted in the Price precinct, Pulaski county.

By same. What was his capacity at the time of the last August election for sense and ability to attend to ordinary business, and for some time before said election.

Answer. He is a man of hardly any capacity at all; he knocks about on the farm a little, but has to have some one to manage for him; this has been his condition as long as I have known him, and up to this time; he has a trustee or agent appointed by the court to attend to his business.

By same. Are you acquainted with Wm M. Smith? For whom did he vote at the last August election in the race for Congress, and in what county and precinct?

Answer. I am acquainted with Wm. M. Smith; he voted for W. C. Anderson for Congress; he voted at the Glade precinct, Pulaski county.

By same. Where did he reside at the time of said election, and where had he been residing for two years previous to said election?

Answer. He had been living about nine months in the Glade precinct before and up to the August election, and is still living there; he had been living in Casey previous to coming to Pulaski county; he has been living in this State more than two years before the August election; he has no family.

By same. What is his age?

Answer. He is, as I believe, between fifty and sixty years old.

By same. Has he a family of his own or house to live in; if not, with whom has he generally made his residence; and if you heard him say anything about his residence prior to the last August election, what was it.

Answer. He has no wife or house of his own to live in; he has generally lived with his son, John Smith, more than any other since his wife's death; I heard him frequently say before the May election, and after that up to the August election, that he claimed the Glade precinct as his residence; he said where his clothes were he considered it as his home; his son John lives in the Glade precinct.

By same. Are you acquainted with Samuel Vier, and where does he reside, and where at the time of the last August election?

Answer. I am well acquainted with Samuel Vier; I understood from him last spring at the time he was moving that he was going to Adair county to reside.

By same. Where did he move from to Adair county?

Answer. He told me about two years ago this coming Christmas or winter that he was going to Indiana to live; he moved back to Pulaski county after having been gone about one year; he lived in the Glade precinct about two or three months after his return; he has a wife and family; he moved back to Pulaski from Indiana last winter or spring.

By same. Did he take his family to Indiana with him?

Answer. He did.

Adjourned till to-morrow morning, the 25th, at half-past eight o'clock.
D. H. DENTON, P. J. P. C. C.

Resumed the taking of Benjamin Compton's deposition November 25, at nine o'clock a. m.

By Anderson's attorney. Are you acquainted with Wm. Mounce, sr., and Wm. Mounce, jr., for whom did they vote at the last August election in the race for Congress between Chrisman and Anderson, and in what county or precinct?

Answer. I am acquainted with William Mounce, sr., and William Mounce, jr.; they both voted for Anderson at the last August election, in Pulaski county and the Glades precinct.

By same. Were they residing in said county and precinct at the time of the last August election; if so, how long had they been residing there?

Answer. They were residing in Pulaski county and the Glades precinct at the last August election, and had been living in said county and precinct for the last three or four years; I live in an adjoining district.

By same. Were there any other persons residing in said county and precinct by the name of William Mounce besides the two above spoken of?

Answer. No others by that name in that precinct.

By same. Are they or either of them married men, and were they or either of them keeping house in the said precinct on and before the last August election?

Answer. They are both married men; the old man keeps house and the young man lives with him; and the old man was keeping house in the Glade precinct before the election, and his son was living with him, where he now lives.

Cross-examined.

Has Thomas Langdon, about whom you have spoken, any family?

Answer. I think not; I am not certain, though I am well acquainted with him.

Does he live to himself; if not, with whom does he live?

Answer. I think he lives with his brother.

Has he any property; if so, what sort and how much?

Answer. He has none that I know of.

Is he a State charge under the statute of Kentucky for the support of idiots?

Answer. Not that I know of.

How does he obtain his support?

Answer. I think he lives with his brother, and makes that his home; his brother has a farm on Pitman creek; he does not work much, but what he does I think is on his brother's farm.

Does he travel over the neighborhood alone?

Answer. I don't know that he does; I never saw him travelling about by himself.

Did you ever see him travelling about with any one?

Answer. I don't think I ever did.

How far do you live from him?

Answer. Some five or six miles, probably six.

You have stated that he has to be managed by others; did you ever know any one to make a trade for him, or to manage him in anything; if you did, what trade or management was it, and who the person?

Answer. I do not know of any one making any trades for him. I do not know of any one managing any particular transaction for him.

You have stated that they have to give him a ticket to vote by; did not most of the voters last August vote by printed tickets?

Answer. The most of the voters voted by ticket.

Could you have voted for all the candidates of your choice without a ticket last August?

Answer. I could.

Please give their names now.

Answer. Bell for governor, Haggard, Harlan, Anderson, Clauch, and Page. At the time of the election I knew them well, but at this time I cannot tell them all any more than I have stated.

Did you see Mr. Langdon vote?

Answer. I did not exactly see him vote; I saw him about the time he voted. I heard the sheriff cry his vote.

Can you say, then, that any one gave him a ticket to vote by?

Answer. I can; I saw some one give him a ticket.

Were not all or nearly all the voters on both sides furnished with tickets in the same way?

Answer. They were.

Did you or any other person object to his voting upon the grounds of his want of capacity, or on any grounds?

Answer. I heard none.

Was he or not well known to all the election officers?

Answer. I reckon not. I could not say that he was acquainted with any of them.

What do you suppose his age to be?

Answer. About thirty-five or forty years old.

Did said Langdon vote at the election when you ran for justice of the peace; and if so, for whom?

Answer. I don't know that he voted.

How far do you live from Frank. Bishop?

Answer. About six miles.

How often do you see him?

Answer. I see him every week or two. I see him every time I come or go to Somerset.

How does he obtain his living?

Answer. He lives with his father; has no family, no property. His father has property.

Does he or not go to town and through the neighborhood alone?

Answer. I never saw him going anywhere.

Did you ever talk with Frank. Bishop on any subject; if so, on what subject?

Answer. I never did, and only spoke to him when passing.

Did you ever hear any other person talk with him on any subject?

Answer. I did not. I don't think he talks much.

Did you, then, learn his want of capacity by phrenology, physiognomy, or report, or by guess, or in what way?

Answer. I know from his acts and his appearance and looks that he is foolish.

Have you witnessed any business transaction with him; if so, what transaction?

Answer. I never knew of any transaction of his. He never trades any.

From what acts, then, do you judge him to be foolish?

Answer. By his appearance. I have heard him talk some.

Who did you hear him talk to, and on what subject?

Answer. I never heard him talk with any one in particular. I was passing his house and heard him try to stop a horse, and he hallowed wo and way.

Was the horse in the plough and he at the handles?

Answer. The horse was in the plough. He was standing a short distance from him, but could not stop him.

Did the horse run away?

Answer. He did not; but his father stopped him.

How did his father stop him?

Answer. He hallowed wo, and he stopped.

You have stated that Wm. Stewart, sr., has a guardian appointed by the court to attend to his business; do you know that to be true, or is it hearsay only?

Answer. I only know it from hearsay.

How far do you live from said Stewart?

Answer. About two miles and a half.

Is he or not an old man with a family which he has raised?

Answer. He has a wife, but no children.

Has he or not owned a farm for many years, which he has lived on and worked?

Answer. Yes; he has a farm that he has lived on ever since I

knew him. I don't think he does much himself, but it has been done by his wife.

Has he or not carried on farming ever since you have known him?

Answer. I can't say that he carries it on himself.

How do you know that his wife manages and carries on the farm?

Answer. I have been there frequently, and heard her giving orders and directions about work.

How did you vote in the last race, and to what political party did you belong?

Answer. I voted for Anderson for Congress, and belong to the opposition party.

Does or not William M. Smith, about whom you have deposed, own real property in Casey county?

Answer. He told me that he had a tract of land there, and after the death of his wife it was divided between his children, and he was going to live with his children; and where his clothes were he made it his home.

Does or not some of his children live on the land, and did live there at the last August election?

Answer. I suppose they did. I think Henry lives on the home place, where the old man used to live.

Does or not some child of his reside in Adair county?

Answer. He has a child there, as I understood from his father.

By same. Do you know that Samuel Vier ever moved to Indiana; and if so, how do you know the fact?

Answer. He told me so last spring at the time he was moving.

You can't say that Mr. Vier ever reached the State of Indiana, except from hearsay, can you?

Answer. He told me before he left that he was going, and after his return that he had been there. He said the reason he left there was that he did not like the country, and, further, on account of his bad health.

State all you know about the residence of William Mounce, jr., who voted in Glades precinct, and where he has lived since you have known him, and where he is now?

Answer. William Mounce, jr., has been living in the Glades district some three years. He has been living with his father and making that his home during that time. He was married last winter or spring, and has continued to reside in that district up to this time. He went to Boyle and Lincoln counties on a visit, and remained there near two weeks and then returned. They took no clothes with them but those that they wore.

About the time he started on said visit, was there or not a bench warrant in the hand of some officer of Pulaski county for the arrest of his person?

[Question overruled by the judge.]

Where is William M. Smith, of whom you have spoken at this time, and where his residence?

Answer. I don't know where he is; he left the county the last of

August or first of September. I do not know for what purpose he left.

Do you know of any idiot or idiots who voted for Mr. Anderson in the last race for Congress?

Answer. I do not.

Do you know of any person not legally qualified that voted for Mr. Anderson in the late race for Congress?

Answer. I do not.

[Chrisman excepts to the reading of this deposition concerning Frank Bishop, Thomas Landon, and William Stewart, sr., because the response of Mr. Anderson to his notice does not embrace or challenge them in any way.]

And further this deponent saith not.

BENJAMIN COMPTON.

Also the deposition of Stephen Burton, taken at the same time and place as the foregoing, and for the purpose mentioned in the caption.

Witness being of lawful age, and first duly sworn, says :

By Anderson's attorney. Are you acquainted with Elijah Burton. Do you know for whom he voted at the last August election in the race for Congress, and in what county and precinct?

Answer. I am acquainted with Elijah Burton. I don't know, of my own knowledge, for whom he voted. He voted in Pulaski county, and in the Gaines precinct, where he lives.

By same. Where was Elijah Burton residing at the time of the last August election, and was there any other Elijah Burton residing there?

Answer. He resided in Pulaski county and Gaines district. I reckon there is no other person by that name in that district. I do not know any other.

By same. What was the age of Elijah Burton at the time of the last August election?

Answer. I can't tell exactly, only from the age of a daughter of mine. She was nineteen about the 19th or 20th of last August. He is between six and eight months older than my daughter, not exceeding eight.

By same. Are you related to Elijah Burton; if so, what relation are you to him?

Answer. He is a son of my sister.

By same. Are you acquainted with William Burton; if so, do you know for whom he voted at the last August election in the race for Congress, and in what county and precinct?

Answer. I have a son of that name. His name is William A. Burton. There are several William Burtons in this county. My son voted in Pulaski county, Gaines district, and for Chrisman for Congress. My son told me so frequently.

By same. In what precinct was his home and residence at the time of the last August election?

Answer. He made a crop in the Gaines district, but kept his washing at my house, in the Harrison district.

By same. Is he a married or single man, and had he any house of his own at the time of the last August election besides your house?

Answer. He is a single man; he has no home but mine, except when he works; he keeps his washing and mending at my house.

Question. When he would get through his work at any particular place and be out of employment, where did he go to for a home till he again got work?

Answer. He generally came to my house to stay.

Cross-examined.

Question. What near relations has Elijah Burton in Pulaski county, nearer than yourself?

Answer. He has brothers and sisters older than himself residing in the Gaines district,

Question. In what year was your daughter born, of whom you have spoken?

Answer. She was born about 1840, wasn't she?

Question. Have you a record of her age?

Answer. I did have, but about a month ago it was torn out by some of the children or some one else.

Question. How far did you live from where Elijah Burton was born at the time of his birth?

Answer. About a mile and a half.

Question. In what year and month was Elijah Burton born, as well as you recollect?

Answer. He must have been born in 1840; I don't recollect the month.

Question. Was he born in the spring, summer, autumn, or winter?

Answer. I don't recollect what time it was.

Question. How many William Burtons were there living in Pulaski county at the last August election?

Answer. I recollect three; I reckon that's about the number.

Question. At whose house did your son stay while making his crop last summer?

Answer. He staid at Gillmore Muse's.

Question. What time did he go to Muse's, and when did he leave there?

Answer. He went there about March, as I suppose; he left there from the first to the middle of July.

Question. What was the nature of his contract with Muse, if you know?

Answer. He was to have part of the corn made on the farm.

Question. Did he or not remain at Muse's much of his time until the corn was matured and gathered?

Answer. He did not; he left as soon as the corn was laid by; he hired to Hudson to work after that; he sold out his interest in the corn, and had no hand in gathering it.

Question. In what voting precinct did Hudson, to whom he next hired himself, live?

Answer. In the Somerset district.

Question. When did he go to Hudson's to live?

Answer. I reckon it was in July; I think it was before the election.

Question. How many William Burtons resided in the Gaines precinct, Pulaski county, at and prior to the last August election?

Answer. I do not recollect more than three; two besides my son. And further saith not.

STEPHEN BURTON.

Also the deposition of Wm. F. Dobbs, taken at the same time and place, and for the purpose mentioned in the caption, who being of lawful age, and first duly sworn, says:

By Anderson's attorney. Are you acquainted with Wesley Neal; do you know for whom he voted at the last August election in the race for Congress, and in what county and precinct?

Answer. I am acquainted with Wesley Neal; I don't know myself whom he voted for; he voted in the fourth district, which is generally known as the Buncombe district.

By same. Do you know yourself, or from his statements, where his residence was at and before the last August election?

Answer. He was in Missouri; and in May last, I think it was, he came back here, and after the August election he said he was going back; he has gone from this county; I think he left about the first of October; he told me the day after he returned here in the spring that he should not have done so if his mother had not written to him that she was about to starve, and that the family were sick; he said he dropped everything and started back the next day after he received the letter; he also said he came back in consequence of having received that letter.

By same. Do you know how long it is since he first went to Missouri?

Answer. He went there some five or six months before his return here in the spring.

Cross-examined.

Question. Where was Wesley Neal raised?

Answer. In Virginia, I think.

Question. What time did he come to Pulaski county?

Answer. I suppose it has been about eight or ten years since he came here with his parents.

Question. Has or not his parents resided here ever since, and he also, until he went to Missouri, as you have stated?

Answer. His parents have, and I think he has the most of the time until he went to Missouri; I believe he was absent from here some two or three times—a short time on business.

Question. Was he or not a young man and single when he left, and also when he returned from Missouri?

Answer. I suppose so.

Question. Do you know what he went to Missouri for the first trip?

Answer. I do not.

Question. Do you know with what intention he left home, whether of returning or not to his parents?

Answer. I do not know only as I have stated above—from what he told me.

Question. Did he ever tell you that he left home the first time he went to Missouri either with or without the intention of returning?

Answer. No, sir; he told me last spring, after he returned from Missouri, that he should return to Missouri to make it his home.

Question. What were your politics, and for whom did you vote last August for Congress?

Answer. I voted for Anderson for Congress, and for the opposition ticket generally.

And further saith not.

WM. F. DOBBS.

Also the deposition of Nathan Buchanan, taken at the same time and place, and for the purpose stated in the caption, who, being first sworn, states:

By Anderson's attorney. Are you acquainted with Otho Daugherty; do you know for whom he voted in the race for Congress at last August election, and in what county and precinct?

Answer. I have but little acquaintance with him; I did not hear him vote; I saw him in Pulaski county, and at the Gaines precinct No. 2, on the day of the election.

By same. Was there any other Otho Daugherty living in or at said precinct at last August election?

Answer. Not that I have any knowledge of.

By same. Are you well acquainted in said district, and how long was said Otho Daugherty in the same before the last August election?

Answer. I am well acquainted in said district. The first time I ever saw him in the district was sometime in July last.

By same. How long did he remain in said district from the time you first saw him there, and do you know where he went to?

Answer. He left the district, I suppose, shortly after the election. I do not know where he has gone to. I have not seen him in the district since the election.

By same. Had he any land or other property in the district at any time that you know of, or any settled home there, and where did he stay whilst in the district before the election?

Answer. He had no land or other property or settled home in the district that I know of. I don't know where he staid before the election. I never knew until July before the election that there was such a man.

By same. How long have you resided in Pulaski county, and how long in Gaines district?

Answer. I have been in Pulaski county about thirteen years, and eleven or twelve years in the Gaines district.

By same. Do you know W. B. Cowan. Do you know in what county and precinct he voted at last August election, and for whom, in the race for Congress?

Answer. I know W. B. Cowan. He voted in Pulaski county and in the Gaines precinct. He voted for Mr. Chrisman for Congress.

By same. Had he been residing out of that precinct, county, or State before the last August election; if so, how long had he been residing out of the same?

Answer. He had been out of the State, I suppose. I saw him start, as he said, out of the county for Indiana. He left last winter a year ago, or the first of the spring following. I was with him the night before he left. I think he was gone some four, five, or six months. I don't recollect the time, but suppose more than four months. He said after he came back that he had been to Indiana.

By same. Did he say anything to you after his return about having voted in Indiana; if so, what was it?

Answer. He stated to me that while he was in Indiana he voted in that State.

By same. Do you know how long it was before the last August election since he had gotten back from Indiana?

Answer. I don't recollect exactly when he returned. I think it was in the fall season, maybe.

By same. Where had he made his home since his return up to the last August election?

Answer. He made a crop in Wayne county this last spring and summer.

By same. Do you know Tyre Turpin, and for whom he voted at the last August election for Congress, and in what county and precinct?

Answer. I know Tyre Turpin. I did not hear him vote. He was in Pulaski county and Gaines precinct on the day of the election.

By same. Do you know anything about his having, at any time prior to last August election, left the State of Kentucky; and do you know whether, when he left, he had the intention of returning?

Answer. He left the State, or said he was going to leave it. He was gone something near two years, I think, or may be longer. I was with him before he left. He said he was going to Indiana. He left some land to his mother and sister in the Gaines district, in this county. I understood the land above mentioned was his. He was living on it before he left, and is living on it now. He claims the land as his own.

By same. Were there any such men living in Pulaski county and Gaines district at last August election as W. Boulton and Levi Hollen?

Answer. I never heard of such names in the county or the Gaines precinct.

By same. Have you been a candidate for constable in Gaines precinct, in Pulaski county; if so, when and how often, and are you not well acquainted with the voters in said precinct?

Answer. I have been a candidate three times. I was elected in 1855, was a candidate in 1857, and in May, 1859. I thought I was well acquainted with the voters.

By same. Do you know Squire Schoolcraft. Do you know for whom he voted at last August election for Congress, and for whom in the race for Congress?

Answer. I have seen him a few times. I do not know for whom he voted, or where he voted.

Do you know in what county or precinct he was residing at the time of the last August election?

Answer. I don't know that I do. When I knew him he lived in the Harrison district. If he was living at that time in the Gaines district I never knew it.

Examine the poll-book for Gaines district, and see if Squire Schoolcraft's name is there recorded as a voter, and who for Congress, at the last August election?

Answer. I see it recorded there for Chrisman.

Are you acquainted with J. B. Dalton; do you know anything of his having removed from Kentucky; if so, when and where did he return?

Answer. I don't know a man who writes his name J. B. Dalton in this district. I know a man who goes by the name of Bant or Banton Dalton, a son of Wm. Dalton.

Do you know anything of the person who goes by the name of Bant or Banton Dalton, who removed from Kentucky; if so, when and where did he return, and with whom did he go?

Answer. I know a man by that name, who removed from Kentucky with his father. He was gone about one year. He got back sometime last fall. He returned with his father.

Cross-examined.

Do you know where Otho Daugherty ever lived at any time during his life?

Answer. I do not.

Did you ever see him during your life elsewhere, except in the Gaines precinct?

Answer. I never did.

Where was Wm. B. Cowan raised?

Answer. He has been in the Gaines district ever since I knew him.

Does or not his mother live in said district, and has for many years?

Answer. She has ever since I knew her.

What is his probable age, and is he a man of family?

Answer. I suppose he is about twenty-one years old, and is a single man.

Has or not his home always been at his mother's while in this county?

Answer. He has staid a part of the time at his mother's, and a part of the time in Wayne county. I don't know where he considers his home.

If he went to Indiana, and returned as you suppose, from what he told you, is it or not your opinion, from knowing him from boyhood, that he was not as much as twenty-one years old while in Indiana?

Answer. I could not state about that. I am satisfied from his

conduct, and from my being a candidate, that he had not voted before he left for Indiana, on account of being under age.

Do you know what he went to Indiana for?

Answer. I do not. He said he was going there to work awhile.

Did he or not say that when he went and worked awhile he was coming back?

Answer. I think that was his talk. He did not speak of remaining.

Can you say that said Cowin had not been back from Indiana as much as a year before the last August election?

Answer. I don't think he had.

State what time he got back, as nearly as you can?

Answer. I think he got back in the fall, I think.

Did or not Tyre Turpin's mother live on the land which was claimed by said Tyre when he left Kentucky, as you have stated?

Answer. That was my understanding.

Were there any such persons as W. Bolton and Levi Hollen living in Pulaski county at or before or since the last August election?

Answer. I never knew any such.

Look on the commissioner's book for Pulaski county for the present year, 1859, and state whether you do or not find the name of Walter Bolton on said book, in the same end of said city in which the Gaines precinct lies?

Answer. I have examined the commissioner's book for a part of Pulaski county, and see the name of Walter Bolton on it. I see also that there are various names of persons living in the Gaines district, and the names of some who live in a far-off part of the county. I also see that the name of Nathaniel Revy preceding, and Elijah Benton following, the name of Bolton. They both live in the Gaines district.

In answer to a verbal interrogatory of Anderson's attorney, I see by the commissioner's book that the name is Walter Bolton; and on the poll-book for the Gaines district, at the last August election, it is W. Boulton, and he is recorded as having voted for Chrisman.

And further saith not.

NATHAN BUCHANAN.

[J. S. Chrisman excepts to the reading of the foregoing deposition of Nathan Buchanan, as to Schoolcraft, W. B. Cowan, W. Boulton, Livi Hollen, and Bant Dalton, because Mr. Anderson's response contains no notice that such votes would be challenged.]

Also the deposition of Horace Withers, taken at the same time and place as the foregoing, and for the purpose mentioned in the caption.

Witness being of lawful age, and first duly sworn, says :

By Anderson's attorney. For whom did you vote at the last August election in the race for Congress between Anderson and Chrisman, and in what county and precinct?

Answer. I voted for Anderson. I voted in Pulaski county, in the Somerset precinct.

By same. If your name is recorded on the poll-book of said pre-

cinct as having voted for James S. Chrisman, is or not it a mistake of the person so recording it?

Answer. If my name is recorded as having voted for Chrisman, it is a mistake of the person who recorded it.

By same. Is there any other Horace Withers in Pulaski county, Somerset precinct, besides yourself?

Answer. There is no other Horace Withers in Pulaski county and Somerset district besides myself.

Cross-examined.

Are you acquainted with William Stewart, sr., who resides in Pulaski county, in the Price precinct—the William Stewart described by Benjamin Compton in his deposition hereinbefore given?

Answer. I am acquainted with William Stewart living in the Price district, in this county—old Billy Stewart; he lives near Solomon Sigall, on this side; he is the only old man that I know of in that precinct of that name.

Do you regard him as an idiot?

Answer. I do not.

Has he or not been a married man for many years?

Answer. He has, ever since I have known him. He is about sixty years old, I suppose.

Has he or not been his own guardian and conducted his own business and affairs all his life.

Answer. So far as I know he has.

And further saith not.

HORACE WITHERS.

Adjourned till to-morrow morning at 8½ o'clock, November 25, 1859.

D. H. DENTON, P. J. P. C. C.

Met Saturday morning, November 26, 1859, at half-past eight o'clock, pursuant to adjournment, and resumed the taking of depositions.

The deposition of William McKee Fox, taken on 26th November, at the same place, and for the purpose mentioned in the caption, who, being of lawful age and first sworn, says:

By Anderson's attorney. Are you acquainted with George R. Vaught. Do you know for whom he voted in the race for Congress at the last August election, and in what county and precinct?

Answer. I am acquainted with George R. Vaught. On the morning of the last August election he asked me to give him a ticket. I gave him a ticket with the name of William C. Anderson on it for Congress; I went with said Vaught to the polls, and heard his name cried by the sheriff of the election for W. C. Anderson for Congress; by an examination of the poll-book of precinct No. 1, of Pulaski county, being the precinct in which said Vaught resides and voted, I find that his vote is put down for and counted for James S. Chrisman for Congress. His vote is also recorded for Anderson.

By same. Was he drunk or sober at the time he gave his vote?

Answer. I do not think he was drunk. I did not discover that he was drinking at the time he voted.

Cross-examined.

Do you know of any person who voted for W. C. Anderson in the last race for Congress who was not, in your judgment, a legally qualified voter; if so, who and where did such person vote?

Answer. I do not.

And further saith not.

W. McKEE FOX.

Also the deposition of B. F. Harrison, taken at the same time and place, and for the same purpose, who, being of lawful age, and first duly sworn, states:

Question by Anderson's attorney. In what precinct in Pulaski county do you reside; in what precinct did you vote at the last August election, and for whom did you vote for Congress?

Answer. I reside in the Somerset precinct, and voted in it at the last August election. I voted for W. C. Anderson for Congress.

By same. Have you examined the poll-book of the Somerset precinct; if so, is or not your vote recorded for James S. Chrisman for Congress?

Answer. I have examined the poll-book for the Somerset precinct, and find that my vote is recorded for James S. Chrisman as well as for W. C. Anderson.

Cross-examined.

Did you or not go to Texas a short time before the last August election; if so, how long before the election?

Answer. I left here January, 1857, and went to Texas.

What time did you return from Texas?

Answer. On the 22d of last December, 1858.

What is your occupation?

Answer. A house carpenter.

Have you any family?

Answer. I have none.

For what purpose did you go to Texas?

Answer. To see the country and look around.

What did you follow while in Texas.

Answer. I worked at my trade what work I did.

At what point in Texas did you first settle down?

Answer. In Houston county, on the Trinity river.

Did you or not remain in the same county during your stay in Texas?

Answer. I did, except in going and coming home.

Did you like the country or not?

Answer. I did not well enough to stay.

Did you like or dislike the country on your arrival in it?

Answer. I was somewhat pleased with it when I first arrived, but soon got dissatisfied.

When you arrived there and was pleased, did you or not expect to remain there if you still continued to like the country?

Answer. No, sir; my intention was to return.

Did you or not tell Abel Debord and George Debord, or one of them, before you started to Texas, that you expected to remain in Texas if you liked the country?

Answer. Not that I know of. If I did, I don't remember it.

Did you or not take your carpenter's tools with you to Texas?

Answer. I took about one-third of them.

On your route to Texas did you or not tell R. C. Harris that you intended to remain in Texas?

Answer. I sometimes talked to him as if I intended to remain, and at other times that I should not. I never told him positively that I should remain. I talked in that way from the fact that I was unsettled in my mind as to whether I would stay or not, but it was my intention to return to Kentucky if I made that my home.

Did you or not go to Texas with Mr. R. C. Harris?

Answer. I did.

By Anderson:

Was it or not your intention to return to Kentucky when you went out to Texas?

Answer. It was.

And further saith not.

B. F. HARRISON.

Also the deposition of R. Q. Woodcock, taken at the same time and place, and for the same purpose stated in the caption, who, being of lawful age, and first sworn, states:

By Anderson's attorney:

Are you acquainted with one Henderson Angell? If so, state what time he came to this county, and what he told you about his remaining here.

Answer. I am acquainted with Henderson Angell. He came to this county sometime last winter. He told me he came here on his way to Missouri; that he intended to remain here only a few days.

By same. Did he or not make the above statement to you before the last August election?

Answer. He did.

Cross-examined.

When and where did he tell you as above stated?

Answer. He made that statement to me a short time after he came here. I do not remember what it was.

Do you or not know that the said Angell did not go from here to Missouri?

Answer. I do not know where he went to. The sheriff of Owsley county took him off from here.

Do you or not know that the sheriff of Owsley county, Kentucky, took the said Angell under arrest from this county; and at what time?

Answer. I saw those gentlemen here; one was said to be the sheriff of Owsley county. It was after the August election, to the best of my knowledge, that he was taken off.

Was he or not a man of family?

Answer. I have heard him say that he had none. I know nothing about it only what he said.

Had he any property that you know of?

Answer. He had a gray horse in his possession that he claimed as his own.

And further saith not.

ROBT. Q. WOODCOCK.

Also the deposition of M. E. Ingram, taken at the same time and place, and for the purpose stated in the caption, who, being of lawful age, and first sworn, states:

Questions by Anderson's attorney:

Are you acquainted with Henderson Angell; if so, when did he come to this county; and what did he tell you about his remaining here?

I am acquainted with Angell, as above. I think he came here last winter; as to the precise time I cannot say; he stopped at our house when he came here, and my recollection is he told me he was on his way to Missouri.

Did he tell you as above, when he first came to this county?

I think it was the first night he came to town.

How and where did he go when he left here; and when?

He staid at our house some two weeks and left for the coal banks the first time, as he said, and has generally been travelling from Somerset to Thompsonville, and the coal banks, &c. I think perhaps some two months since he was taken by the sheriff of Owsley county, Kentucky, to that place.

Are not the coal banks and Thompsonville in the Juggernaut precinct?

They are.

By Anderson's attorney:

Was or was not said Angell arrested in Somerset, sometime before the last August election, to be carried back to Owsley; if so, did he or not escape from his guard and get away?

He was arrested by the sheriff of our county sometime before the August election, and delivered to the marshal of our town and ran off.

M. E. INGRAM.

Also the deposition of Silas Lee, taken at the same place and time, for the purpose mentioned in the caption, being first sworn, states in answer to questions, &c.:

Questions by Anderson's attorney:

What precinct do you reside in, in Pulaski county?

Answer. In the Gaines district No. 2.

By same. Have you or not been a justice of the peace for that district for a number of years; and are you or not well acquainted with the citizens of said district?

Answer. I have been a justice of the peace for that district for four years, and know a great many of them.

By same. Are you or not acquainted with one John L. Logan? If so, state whether or not he is your nephew, and did he or not remove from Pulaski county to Kansas about two years ago; state all you know about his removal and return, and what he told you about his going.

Answer. I am acquainted with him; by marriage he is my nephew. He made preparations to emigrate to Kansas. He bought some land warrants, and was consulting me how to lay them when he got there. He said he was going to Kansas to make that his home. He was in Kansas one or two years, and has been back about a year.

By same. Where has he been living since his return?

Answer. He has been living in Wayne county since last spring.

By same. Did he or not vote in the Harrison district, in Pulaski county, at the last August election; if so, for whom did he vote?

Answer. I have examined the poll-books for the Harrison district, and find that he voted in that district for James S. Chrisman for Congress.

By same. Do you know of any other John L. Logan in Pulaski county but the one referred to as your nephew?

Answer. I do not.

By same. Are you acquainted with A. W. Baker; if so, did he or not remove from Pulaski county to Missouri with his father? If so, state what time he went off, and what time he returned.

Answer. I am acquainted with A. W. Baker. He removed with his father to Missouri a year ago last fall. He came back last fall.

By same. Did he or not vote at the Gaines precinct, in Pulaski county, for James S. Chrisman for Congress at the last August election?

Answer. I find it so from the poll-book.

By same. Did or did not Thomas Baker, the father of said A. W. Baker, take all his property to Missouri with him?

Answer. So far as I know, he did.

By same. Are you acquainted with Otho Daugherty? If so, state where he resides and where he voted at the last August election.

Answer. I have seen him a time or two before the election. I cannot state where he resides. I see from the poll-books that he voted in the Gaines district for Chrisman for Congress.

By same. Have you seen him in Gaines district since the August election?

Answer. I can't say that I have.

By same. Have you or not been keeper of the poor-house of Pulaski county for the last several years; if so, in what district is said poor-house situated, and was or was not Norris Williams sent to the poor-house by the Pulaski county court, and did he not reside there?

Answer. I have been keeper of the poor-house for some three years, and am at this time. It is in No. 2, Gaines district. Norris Williams was sent to the poor-house by the Pulaski county court. He came to the poor-house the 25th of last June the last time, and has remained there ever since, except a short visit he took just before the election. I keep an account of the time they are there, so that I can charge for it. He has been there ever since I have been there and before.

By same. Did or did not the county court pay you for keeping said Williams, and is he or not at the poor-house at this time?

Answer. The county court has paid me for keeping him, and he is there at this time.

By same. How long was he absent from the poor-house about the August election?

Answer. He was gone so short a time about the August election that I hardly missed him. I did not know he had been away until I was told so.

By same. Are you or not acquainted with J. B. Dalton, commonly called Bent Dalton; if so, did he or not remove from Pulaski county to Missouri with his father; if so, when did he remove, and when did he return?

Answer. I am slightly acquainted with J. B. Dalton, commonly called Bent Dalton. They left here together, and the word was they were going to Missouri. He left a year ago last fall, and remained about a year.

By same. Did they or not remove from Pulaski county?

Answer. They did remove from Pulaski county.

By same. From an examination you have made of the poll-book of Gaines district, No. 2, of Pulaski county, did or did not said Dalton vote for James S. Chrisman for Congress at the last August election?

Answer. By an examination of the poll-books I find that J. B. Dalton voted in the Gaines district—voted for Chrisman for Congress.

[James S. Chrisman excepts to the reading of the foregoing deposition of Silas Lee, because he has received no notice that such witness would be examined. Also further excepts to that part of it which attacks the vote of A. W. Baker, because Anderson's response to his notice does not challenge the vote of said Baker, or take any notice of it; and not waiving said exceptions, proceeds to the cross-examination.]

Had or not John L. Logan a family when he went to Kansas?

Answer. He has never had any family.

What is his age, and where do his parents live?

Answer. He is twenty-one or two. His parents are dead.

Where was he on the day of the election last August?

Answer. I saw him at the Gaines precinct, No. 2.

Do you know all the voters of the Harrison precinct, No. 3, in Pulaski county, who were voters there last August?

Answer. I do not.

Do you know that your nephew by marriage, John L. Logan, voted anywhere last election?

Answer. No ; I only see his name on the poll-books.

Is or not the name of John L. Logan which you see on the poll-books on the poll-book of the Harrison precinct, No. 3, and not on the poll-book for the Gaines precinct, where you saw him on the day of the last August election ?

Answer. I see his name on the Harrison poll-book. I saw him in person in the Gaines precinct at the voting place on the day of the election.

Can you state certainly that there resided in the Harrison precinct, No. 3, at the last August election, no voter by the name of John L. Logan other than your said nephew ?

Answer. I don't know any.

Do you know that there is not any ?

Answer. I have never heard of any.

What proportion of the voters of said precinct are you personally acquainted with ?

Answer. I know the leading men—the older men.

Do you think you are personally acquainted with as many as half the voters of said precinct ?

Answer. I couldn't say I was.

Where did your said nephew, John L. Logan, make his home prior to his said trip to Kansas ?

Answer. On my farm, in the Gaines district.

With whom did he reside on your farm ?

Answer. His aunt and uncle.

Where has he resided since his return from Kansas ?

Answer. With his two sisters—one in the Harrison precinct, and one in the Gaines precinct—up to last spring, when he went to Monticello, Wayne county.

Do you know which of these sisters he resided with when not engaged in business ?

Answer. I couldn't say.

How was he engaged while in Wayne, and what did he go there for ?

Answer. I understood he went there to go to school the first part, and to teach a school after that.

Did he go to teach school before or since the last August election ?

Answer. I don't know that I can answer that. I reckon the public schools did not commence till after the August election.

Did he or not go to teach a public or common school ?

Answer. I couldn't say.

Do you know what place, or any place, which he has claimed as his home since his return from Kansas ?

Answer. I do not.

Do you know that when he left for Kansas he did not intend to return to Kentucky ?

Answer. He did not speak of doing so. He said he was going there to make it his home, and until he accumulated as much as I did, so he could live where he pleased.

Did he or not also tell you that he purchased the land warrants of which you have spoken that he might make money by locating them?

Answer. He never did.

What amount of land warrants did he take with him?

Answer. One or two.

Do you know with what intention Thomas Baker or A. W. Baker left this county as you have stated?

Answer. Thos. Baker sold out land; A. W. Baker was a minor when he left.

Do you know that A. W. Baker voted anywhere at the last August election?

Answer. I saw his name on the Gaines district poll-book.

By same. Do you know how many A. W. Bakers there are in Pulaski county, and how many in the Gaines precinct?

Answer. I could not answer for the county, and am not positive as to that district. Upon reflection, I know of no other Abel but this one whose name is put down A. W. Baker, jr., and his uncle A. W. Baker, whose names appear on the book referred to.

You have stated that Norris Williams came to the poor-house the last time on the 25th day of June last; please state how long he remained there before he went away.

Answer. He went away a short time before the election.

How long was it after the election before he returned to the poor-house?

Answer. It must have been but a very short time.

Was it or not your general rule to count out the time that the paupers were absent from the poor-house, and claim pay off of the county only for the time they actually remained there?

Answer. When they were gone any length of time I did.

Were not the paupers fed and attended to by your servants?

Answer. They were.

Did they or not reside in a different house from you; and how far from yours?

Answer. They resided about a quarter and a half-quarter from my house.

How often, if at all, do you go there on no other business than to see them, and see to them?

Answer. Every one, two, or three days.

You have stated that you are acquainted with a young man commonly called Bent Dalton; do you know how he writes his name or what his proper name is?

Answer. I do not.

Do you know that he has or ever had any other name but Bent Dalton?

Answer. I do not.

Then can you say that any man by the name of J. B. Dalton ever moved from Pulaski county?

Answer. I can't tell anything about it, only what I see on the poll-books.

By Anderson's attorney:

How far is it from the voting place in Gaines district, to the voting place in Harrison district?

Answer. Some four miles.

SILAS LEE.

Also the deposition of Dickerson Thompson, taken at the same time and place, for the purpose mentioned in the caption; witness being of full age, and first sworn:

By Anderson's attorney:

Are you acquainted with Otho Daugherty; if so, state all you know about his place of residence?

Answer. I am acquainted with Otho Daugherty. He came to my house about the 20th or 25th of June last, and he said that he had been in Indiana shortly before that.

By same. Where did he live at the last August election?

Answer. I don't know. I don't know where his residence is. He stayed the most of the time at my house up to the August election.

By same. Where has he been living since the August election?

Answer. He left my house the next morning after the election, and said he was going to Wayne county.

By same. How long was he in Indiana?

Answer. I don't know.

By same. Has or has not Otho Daugherty a home in the Gaines district?

Answer. If he has I don't know where it is.

By same. Is he or not your cousin?

Answer. He is my father's cousin.

By same. Did or did not Otho Daugherty tell you, a short time after the election, that he was going to Campbell county, Kentucky?

Answer. He said so, and started and said he was going there.

By same. In what district did Ivory Thompson reside at the last August election?

Answer. In the Harrison district, No. 3, Pulaski county.

By same. Did or did not said Ivory Thompson make a wheat crop in said district, and claim the Harrison district as his home and voting place?

Answer. About last August, a year ago, he went out of the Gaines district into the Harrison district, to do some work and to sow some wheat. He then told me that he expected to make a corn crop in the Harrison district; but in the spring, sometime in March, he went back into the Gaines district, though he had a contract that he was to return to the Harrison district as soon as he made a corn crop in the Gaines, and I suppose he returned as soon as he finished it.

By same. Was he or not keeping house in the Harrison district at the last August election?

Answer. He was.

By same. Did he or not claim said district as his place of residence, from the time he moved there last August a year ago, up to the present time?

Answer. I think he did from the way he talked. He generally spoke of going home, that is to Asberry Marrow's, in that district.

Do you know where Otho Daugherty's home was at the last August election; or where it had been prior to that time?

Answer. I do not, only what he told me, as I have before stated, that he was lately from Indiana.

He never told you where his home was, did he?

Answer. He never did.

Where did he board and lodge in the Gaines precinct, while making his corn crop last spring?

Answer. At Huriah Pennington's.

When he went to Pennington's, did he or not take all his clothes with him?

Answer. I don't think he took all. He took part of them. He told me he had a coat and a hat at A. Marrow's, in the Harrison district.

With whom did he have a contract to return to the Harrison precinct, after making his crop at Pennington's, in the Gaines precinct?

Answer. A. B. Marrow's.

Tell what that contract was?

Answer. The contract was, he was to come back and finish off some work that he had not done before.

Did he own any property besides his clothes; and if so, what property?

Answer. He owned a horse. This is all I know of.

Did he or not take the said horse with him to Pennington's, in the Gaines district, and keep him there as long as he stayed there?

Answer. He did.

Is A. B. Marrow, with whom said Thompson sometimes staid, in the Harrison precinct, any relation of this Thompson.

Answer. None that I know of.

Where does said Ivory Thompson now live; and where has he lived since the last August election?

Answer. He lived a while in the Harrison district, on the said Marrow's land. He has lived in Wayne county since that time.

By same. Since he left A. B. Marrow's in March last; has he ever returned to said Marrow's house and made it his home?

Answer. I don't know that he returned immediatety to his house, but he has to his land.

By same. Do you or not know that he never has returned to the said Marrow's house and resided therein?

Answer. I don't know whether he has or not. He married before he came back, and when he came back he went on to Marrow's land.

Do you or not know that when he went to Pennington's, in the Gaines precinct, in March, before the election, he left his coat and hat that you have spoken of for the express purpose of claiming the right to come back there and vote?

Answer. I do not.

By same. Do you or not know Levi Hollers and Walter Boalton, residing in the Gaines precinct, in Pulaski county?

Answer. I do.

By Anderson's attorney:

Did or did not Otho Daugherty tell you that he had been sentenced to the penitentiary, from Wayne county, for a felony?

Answer. He told me that he had been in the penitentiary, and worked there at the shoemakers' trade.

DICKERSON THOMPSON.

Also the deposition of W. W. Adams, taken at the same time and place, for the purpose mentioned in the caption; witness being of lawful age, and first sworn:

Question by Mr. Anderson's attorney:

Are you or not acquainted with Wm. Barr; if so, state what you know about his removing from Kentucky?

Answer. I know Wm. Barr. He left Kentucky about a year ago last October. He went to Indiana. He returned I think about spring last.

By same. Did he or not sell out his property in Pulaski county, and tell you that he was going to Indiana to live?

Answer. He did. He sold out, and told me he was going there to live.

By same. Did he or not vote at the Glade precinct, No. 11, in Pulaski county, for James S. Chrisman for Congress?

Answer. He did.

By same. Did he or not offer to sell you his crop of corn, and did he or not tell you that he was going to Indiana to live?

Answer. He did offer to sell his corn to me, and told me he was going there to live.

[J. S. Chrisman excepts to the reading of the foregoing deposition of W. W. Adams, attacking the legality of the vote of Wm. Barr, because W. C. Anderson's response to his (Chrisman's) notice contains no notice that said Barr's vote would be impeached, nor hath he had any notice thereof otherwise, and not waiving the objection, proceeds to cross examine.]

Cross-examined.

What aged man is William Barr, of whom you have spoken, and has he a family?

Answer. I suppose he is about twenty-three or four years old. He has no family.

Who did he go to Indiana with, and what did he go for?

Answer. He went there with Crocket Grear. He stated when he paid me at my house on his way, that he was going there to live.

Do you live in Pulaski county, and in what precinct thereof?

Answer. I live in Pulaski county, and in the Glade precinct.

You don't know where he went after he left your house, do you, nor where he intended to go, only what he said to you?

Answer. I do not know only what he said. He told me after he returned, that he had been in Indiana, at his uncle Joel Nelson's.

Where do his parents live, and where was he raised?

Answer. His parents live in Pulaski county, and I suppose he was raised principally in that county.

Do or not his parents live in what is called Glade's precinct, in said county?

Answer. I think they do.

Do you know that the said William Barr voted anywhere at the last August election?

Answer. I saw him vote in the Glade precinct.

Did the young man William Barr have any property in this county before he left?

Answer. I suppose nothing but his crop of corn.

What went with his crop of corn?

Answer. He sold it principally, or all, probably, to John Moore.

Did he go on horseback, or by what conveyance?

Answer. He went afoot.

By Anderson's attorney. Did you or not see him on his way back from Indiana ; if so, what reasons did he give you for leaving that State?

Answer. I saw him on his way back from Indiana. He told me he did not like the country ; he thought it was sickly.

W. W. ADAMS.

Also the deposition of Enoch Phelps, taken at the same time and place, for same purpose :

By Anderson's attorney. Did you or not vote at the Somerset precinct in Pulaski county, at the last August election, and for W. C. Anderson for Congress ; if so, did you or not reside in said Somerset district ; if so, how long have you resided in said district?

Answer. I voted at that precinct for Anderson for Congress. I lived at that time in the Somerset district. I have lived there ever since about the 10th of last March.

By same. Do you or not reside in the Somerset district at this time ; and if so, do you or not consider that district your home?

Answer. I do reside in that district, and consider that my home.

By same. In what district does your father reside?

Answer. I don't know.

By same. Do you or not live at Allen Jones' in said Somerset district?

Answer. I do ; and have lived there since last March.

By same. Where does your brother, R. Phelps, live, and where and for whom did he vote at the last August election?

Answer. He lived with his father ; I don't know what district it is. He voted in the Somerset precinct.

By same. In what district does your brother, R. Phelps, usually vote.

Answer. At the Somerset.

By same. Has he or not always voted at the Somerset precinct?

Answer. He has.

By same. Does he or not claim said Somerset precinct as his voting place?

Answer. He does.

Cross-examined.

Whom have you lived with since the 10th of last March ?

Answer. Allen Jones.

By same. How old are you now ?

Answer. I was twenty-two the 10th of last October.

By same. Have you any family ?

Answer. I have none.

By same. What did you first go to Allen Jones for, and under what contract ?

Answer. I hired to him by the year to work.

By same. Where was your washing done from the time you went there until the August election ?

Answer. The most of it was done at my father's ; a little of it done at Bolen Goff's, in Somerset district, and a little done at Squire Dunham's.

By same. Is or not your clothes and washing now at your fathers ?

Answer. They are there.

By same. When did your father move to the place he now lives in ?

Answer. I think it was in May.

By same. Do you know in what voting precinct in Pulaski county your father now resides ?

Answer. No, sir ; I do not know.

By same. Where does your brother, R. Phelps, now live ; and where did he live at the last August election ?

Answer. He lives at his father's, or at least he keeps his washing there.

By same. Did he or not live at your father's at the last August election ?

Answer. I reckon he did.

By same. How many times, that you know of, has your brother, R. Phelps, voted at Somerset ?

Answer. I don't know certain ; I only know from hearsay.

By Anderson's attorney. In what district does your father vote ?

Answer. I do not know.

ENOCH PHELPS.

Also the deposition of Allen Jones, taken at the same time and place, and for same purpose :

By Anderson's attorney. In what district do you reside, and did or did not Enoch Phelps live with you in March last, and lives with you at this time ?

Answer. I live in the Somerset district. Enoch Phelps has lived with me ever since the first of last March up to this time.

By same. Do you or not know where the line of the Somerset district runs ; if so, does or does not the father of Enoch Phelps and R. Phelps reside in said Somerset district ?

Answer. I don't know precisely where the line runs, but I was over there a few days since, and from the direction of the line I think they are included in the Somerset district.

By same. Does or does not Leonard Phelps, the father of Enoch and R. Phelps, vote in the Somerset district?

Answer. He does.

Cross-examined.

Have you ever heard that R. Phelps and Leonard Phelps voted at Somerset, or been present when they voted?

Answer. I have several times heard the father, Leonard Phelps, vote; I have heard R. Phelps vote in the Somerset district.

By same. Does Enoch Phelps have his clothes or washing, or any property, at your house?

Answer. He has no washing done there. He has no property there, except sometimes he has two suits of clothing there; he has no property.

By same. Is he or not working for you as a hireling, under a contract to work one year?

Answer. That was as long as we agreed; we have been talking about working longer.

By same. What are your politics, and for whom did you vote last August?

Answer. I have always been called a whig. I voted for Bell, Anderson and Griffin.

ALLEN JONES.

Enoch Phelps being called back by Chrisman's attorney, and by leave of the judge before whom the depositions are being taken, was further cross-examined as follows:

When you hired yourself to Allen Jones for one year, as you have stated, did you or not intend to return to your father's when the year was out?

Answer. I intended to do as I have been doing—work for the one that would give me the most.

By same. In the event that your year expired before you made another contract, or hired yourself to some one else, did you intend to go back to your father's until you could hire yourself again?

Answer. I don't know that ever such a thought ran through my mind.

By same. Do you yet have any intention of moving your clothes and washing from your father's?

Answer. I have thought of it; I don't know that I shall or shall not.

ENOCH PHELPS.

Also the deposition of James D. Allcorn, taken at the same time and place, and for the same purpose mentioned in the caption:

By Mr. Anderson's attorney. Are you or not clerk of the Pulaski county court? If so, what is the date of the marriage certificate of Lemuel Mounce and Vina Barnes, from the records of your office?

Answer. I am clerk of the Pulaski county court; and from the

records of my office, Lemuel Mounts and Vina Barnes were married on the 10th day of July, 1838.

J. D. ALLCORN.

Also the deposition of Dr. Wm. F. Scott, taken at the same time and place, for the purpose mentioned in the caption :

By Mr. Anderson's attorney. Did or did not Leroy Whittess tell you that he voted for James S. Chrisman, at the Gaines precinct in Pulaski county, at the last August election? If so, did he or not also tell you that he was not twenty-one years of age?

Answer. He was talking to James Jasper, and he said that he had voted for James S. Chrisman for Congress, and he said that he was not twenty-one years old at the time of his voting.

By same. Do you know anything about the residence of Willis Wilkins? If so, state what you know.

Answer. He has no residence. He is going from place to place, without any settled home. Sometimes he is in Casey county, then in Fayette county, sometimes in this county, sometimes in the Harrison district and the Somerset district. I have seen him before and since the election at his son's in this district. He told me he had lived in Fayette at his son's.

By same. Did or did not David Sadler remove from Pulaski county sometime last year? If so, state what you know about his removal, and what time he returned.

Answer. He did remove from this county. He left about fourteen months since. I saw him in Mintonville, Pulaski county, a few days before the election. He had been back but a few days.

By same. A short time before the last August election, did he or not tell you that he did live in Logan county?

Answer. He told me he had been living there, but was not going back there.

By same. Did or did not said Sadler vote at the Harrison precinct in this county at the last August election for James S. Chrisman for Congress?

Answer. He did, as the poll-books show.

By same. Did or did not Thomas Baker and A. W. Baker remove from Pulaski county some time since? If so, state all you know about their removal and return, and for whom said A. W. Baker voted at the last August election, and at what precinct he voted.

Answer. Thomas Baker and A. W. Baker left here a year ago last fall for the west. He, Thomas Baker, sold out all his property. Thomas Baker told me he had been west either to Indiana or Missouri. They settled in the Gaines district. A. W. Baker voted for Chrisman for Congress. They returned here last fall.

[James S. Chrisman excepts to the reading of the foregoing deposition of W. F. Scott so far as it effects the vote of A. W. Baker, because W. C. Anderson's response to his notices does not challenge the vote of said Baker, nor has he had any notice that said A. W. Baker's vote would be challenged. And without waiving such exceptions, proceeds to cross-examine as follows :]

Question by Mr. Chrisman. When did you hear Leroy Whittess have the talk you have spoken of with James Jasper, and where?

Answer. It was since the election. We were before the Cumberland Hotel in Somerset.

By same. Where does James Jasper live, and where is he now?

Answer. He lives in the Gaines district, and has been summoned, and attended here three days to give his deposition.

By same. Where do the parents of said Leroy Whittess live?

Answer. His mother lives in the Gaines district.

By same. What brought up the conversation between the boy and Mr. Jasper?

Answer. Jasper wanted to know why he had voted under age, and reminded him of a certificate that his mother had given in relation to his age. The certificate was given two years since.

By same. Where do you reside, and how long since have you resided at your present place of abode?

Answer. I live in Somerset, in Pulaski county. I came here in 1850, and have been living here ever since.

By same. Has Willis Watkins ever resided in Somerset, Kentucky?

Answer. I don't think he has or had any residence since I have known him.

By same. Is he or not a tailor by trade?

Answer. He is.

By same. Now please tell first what you know of your own knowledge about his various places of residence, and what you have heard him say on the same subject.

Answer. He told me that he was going to live with his son in Fayette county, about a year or more since. I know of his living in Casey county, at Godman Stewart's. He has been off and on at his son's in this (Somerset) district for the last eight or twelve months or more. He told me he had stayed awhile at Mapey's, in the Harrison district.

By same. How often did you see him at Godman Stewart's, and how often at his son's?

Answer. I reckon I have seen him twenty times or more at his son's. I never saw him at Stewart's house. I have seen him in Mintonville, near Stewart's. He told me he was living there.

By same. You have stated that David Sadler removed from this county. How do you know that fact, and where did he go to?

Answer. Since the election he told me he had been living in Logan county.

By same. Has he a family or not, and what is his age?

Answer. He has no family that I know of. He is about thirty years old.

By same. Do you know anything more about his removal, except that he told you he had lived in Logan county? You missed him from the county, and saw him first a few days before the last August election, as you have stated.

Answer. In addition to the above, I was frequently at his father's, and never saw him there. I know he was not in the neighborhood. I was frequently in the neighborhood, and know all who live in that

part of the county, and know he was not there. I had a debt against him, and tried to find him, but could not.

By same. How much did he owe ; you and did you look all over the Harrison precinct for him ?

Answer. He owed me ten or twelve dollars. I was all over the Harrison district—that is, in every neighborhood.

By same. Have you or not been present here for the last four days, superintending the taking of the foregoing depositions on the side of Anderson, and using all exertions to advance Anderson's interest by counselling with and getting up witnesses for him ?

Answer. By request of Mr. Anderson, I have.

And further saith not.

W. F. SCOTT.

COMMONWEALTH OF KENTUCKY, *Pulaski County, sct :*

I, D. H. Denton, presiding judge of the Pulaski county court, do certify that the foregoing depositions of George R. Vaught, Abraham Haines, William F. Patterson, George W. Owens, Kizzia Burton, Pleasant H. Wilson, M. G. Mize, David W. Russell, Lemuel Mounce, Thomas P. Minks, Benjamin Compton, Stephen Burton, William F. Dobbs, Nathan Buchanan, Horace Withers, William McKee Fox, B. F. Harrison, Robert Q. Woodcock, M. E. Ingram, Silas Lee, Dickinson Thompson, W. W. Adams, Enoch Phelps, Allen Jones, J. D. Allcorn, and William F. Scott, were taken before me, and were read to and subscribed by each of them in my presence, at the time and place and in the matter of contest mentioned in the caption, they having each been first sworn by me that the evidence they should give in the matter should be the truth, the whole truth, and nothing but the truth ; and each of their statements I caused to be reduced to writing in my presence, the plaintiff and defendant both being present at the examination by their attorneys.

Given under my hand this 26th day of November, 1859.

D. H. DENTON,

Presiding Judge of the Pulaski County Court.

Synopsis of Cost.

Judge's fees.....	\$18 60
Witnesses' attendance.....	35 90
Constable's cost.....	8 10
	<hr/>
	62 60
Certificate and seal.....	1 00
	<hr/>
	63 60
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D. H. DENTON,

Presiding Judge of the Pulaski County Court.

THE COMMONWEALTH OF KENTUCKY, *Pulaski County, sct :*

I, J. D. Allcorn, clerk of the Pulaski county court, in and for the county and State aforesaid, do hereby certify that D. H. Denton, whose genuine signature appears to the foregoing certificate, is, and was at

the time of signing the same, presiding judge of the Pulaski county court, duly elected, qualified, and sworn, and all his official acts as such are entitled to full faith and credit, and the above signature of his thereto is genuine.

Given under my hand as clerk of the Pulaski county court, and
[L s] seal of office, at office in the town of Somerset, this 1st of
December, 1859.

J. D. ALLCORN, *C. P. C. C.*

The Commonwealth of Kentucky to the sheriff or any constable of Pulaski county :

You are commanded to summon Robert Woodcock, Hiram Dugan, P. H. Wilson, John R. Richardson, Jamas Burnett, D. A. Davis, E. Brown, John S. Edwards, A. B. Haynes, Wm. L. Brown, Anna Mounce, Betsey Mounce, Thomas Hail, Adam Marsee, David Marsee, Thos. P. Minks, H. T. Minks, Nathan Buchanan and wife, Kezziah Burton, James Jasper, Polly Durham, Stephen Burton, Wm. Strunk, Allen Morgan, Horace Withers, Daniel Sowder, Dickerson Thompson, Malinda Loveall, Michael Kelly, Thomas Hughes, of Mt. Gilead district, A. J. Ingram, William M. Fox, William Colyer, and Henry Muce, son of Polly Muce, to attend at the court-house in Somerset on the 23d, 24th, 25th, 26th, and 27th days of November, 1859, to depose in a certain matter of contest pending in the House of Representatives of the United States, in which James S. Chrisman is contestant and William C. Anderson is contestee ; and this they shall in nowise omit under the penalty of the law.

Given under my hand, as presiding judge of Pulaski county court, this 25th of October, 1859.

D. H. DENTON, *P. J. P. C. C.*

Executed on the within named, John R. Richardson, Oct. 25, 1859.

Executed on the within named, Horace Withers, Oct. 25, 1859.

Executed on the within named, Robert Woodcock, Oct. 25, 1859.

Executed on the within named, Hiram Dugan, Oct. 26, 1859.

Executed on the within named, P. H. Wilson, Oct. 28, 1859.

Executed on the within named, R. S. Denney, Oct. 28, 1859.

Executed on the within named, Nathaniel Buchanan, Oct. 29, 1859.

Executed on the within named, Dickerson Thompson, Oct. 31, 1859.

Executed on the within named, Thos. P. Minks, Oct. 31, 1855.

Executed on the within named, Kezziah Burton, Oct. 31, 1859.

Executed on the within named, William M. Fox, Nov. 1, 1859.

Executed on the within named, A. J. Ingram, Nov. 4, 1859.

Executed on the within named, Thomas Hail, Nov. 5, 1859.

Executed on the within named, Michael Kelly, Nov. 8, 1859.

Executed on the within named, A. B. Haynes, Nov. 8, 1859.

Executed on the within named, James Burnett, Nov. 12, 1859.

Executed on the within named, William Colyer, Nov. 15, 1859.

Executed on the within named, James Jasper, Nov. 21, 1859.

Executed on the within named, Thomas Hughes, Nov. 21, 1859.

Executed on the within named, William Strunk, Nov. 25, 1859.

Executed on the within named, James Ballow, Nov. 25, 1859.

M. E. BURKHART, *C. P. C.*

The Commonwealth of Kentucky to any constable of Pulaski county:

You are hereby commanded to summon John Mattock and W. S. Buchannon to appear before me, at the court-house in Somerset, Kentucky, on the 23d of November, 1859, to testify and the truth to speak in behalf of W. C. Anderson in a matter in contest before the Congress of the United States of America at its next session, in which James S. Chrisman is contestant and W. C. Anderson is contestee.

Given under my hand this 23d of November, 1859.

D. H. DENTON, *J. P. G. C.*

The Commonwealth of Kentucky to the sheriff or any constable of Pulaski county, greeting:

You are commanded to summon Robert Smith, James Delaney, W. M. Adams, William Adams, John P. Nunnelly, Thomas Gibson, W. F. Scott, E. Melter, John Denny, Samuel Owens, James Denny, Reuben Denny, William Munts, Peter Waddle, William Greer, Jas. Ballow, Samuel Lane, R. Phelps, Tyre Turpin, Thomas Durham, John M. Hail, Wesley Hale, T. Q. Jasper, Richard Burnett, J. D. Allcorn, W. McKee Fox, Frank Harrison, George R. Vaught, John M. Hayden, E. D. Porch, Ben. Compton, Jack Patten, D. W. Russell, J. M. Waddle, W. F. Dobbs, W. S. Buchanan, Stephen Burton, J. Q. A. Richardson, Jo. B. Newell, S. H. Tate, A. M. Beatty, Jos. Jasper, Wm. Waddle, J. W. Adams, Silas Tartan, Riley Mije, Jeff. Hurgis, M. G. Mije, Allen Jones, J. M. Perkins, Thomas Doslin, Han. Hinds, J. M. Smith, Silas Price, Olin Waddle, J. H. Davis, John Owens of Gaines district, Stephen Burton, Jack Hart, Alfred Taylor, Haywood Simpson, Jack Ingram, Eli Cowell, Dudley Massengle, W. F. Patterson, William Love, Joy Thompson, C. Timmey, jr., Enoch Phelps, Joseph Waller, jr., William Gibson, Randolph Meredith, A. L. McKee, N. W. Owens, and Bo. Bullock, to attend at the court-house in Somerset, on Wednesday, November 23, 1859, to depose in a certain matter of contest pending in the House of Representatives of the United States, in which James S. Chrisman is contestant and William C. Anderson contestee, and this they shall in nowise omit under the penalty of the law.

Given under my hand, as presiding judge of the Pulaski county court, this 20th day of October, 1859.

D. H. DENTON,
Presiding Judge of the Pulaski County Court.

Executed on the within named, John M. Hail, Oct. 20, 1859.

Executed on Jeff. Hargis, Oct. 20, 1859.

Executed on the within named, James D. Allcorn, Oct. 20, 1859.

Executed on the within named, Thomas Durham, Oct. 20, 1859.

Executed on the within named, W. F. Scott, Oct. 20, 1859.

Executed on the within named, Thomas Doolin, Oct. 20, 1859.

Executed on the within named, E. D. Porch, Oct. 20, 1859.

Executed on the within named, W. McKee Fox, Oct. 20, 1859.

Executed on the within named, W. M. Davis, Oct. 20, 1859.

Executed on the within named, E. Milton, Oct. 20, 1859.

Executed on the within named, John P. Nunnelley, Oct. 21, 1859.
 Executed on the within named, C. Timmey, jr., Oct. 21, 1859.
 Executed on the within named, J. W. Adams, Oct. 21, 1859.
 Executed on the within, Frank Harrison, October 21, 1859.
 Executed on the within named, J. Q. A. Richardson, Oct. 21, 1859.
 Executed on the within, William Love, October 21, 1859.
 Executed on the within, George R. Vaught, October 21, 1859.
 Executed on the within, Peter Waddle, October 21, 1859.
 Executed on the within named, Robert Smith, October 21, 1859.
 Executed on the within named, D. W. Russell, October 21, 1859.
 Executed on the within named, Samuel Owens, October 22, 1859.
 Executed on the within named, Thomas Gibson, October 22, 1859.
 Executed on the within named, J. M. Perkins, October 22, 1859.
 Executed on the within named, Benjamin Crepton, Oct. 22, 1859.
 Executed on the within named, William Gibson, October 24, 1859.
 Executed on the within named, John B. Newell, October 24, 1859.
 Executed on the within named, James Denney, October 24, 1859.
 Executed on the within named, Samuel Lane, October 24, 1859.
 Executed on the within named, Randolph Meredith, Oct. 24, 1859.
 Executed on the within named, J. H. Davis, October 24, 1859.
 Executed on W. W. Adams, October 25, 1859.
 Executed on the within named, Wesley Hail, November 1, 1859.
 Executed on the within, J. Q. Jasper, November 4, 1859.
 Executed on the within named, Haywood Simpson, Nov. 4, 1859.
 Executed on the within named, John F. Denney, Nov. 5, 1859.
 Executed on the within named, Jack Patten, November 4, 1859.
 Executed on the within named Allen Jones, November 8, 1859.
 Executed on the within, Jack Hart, November 21, 1859.
 Executed on the within, W. S. Buchannon, November 21, 1859.
 Executed on the within named, William N. Owens, November 21, 1859.

M. E. BURKHART, *C. P. C.*

Executed on the within, A. M. Beaty, November 22, 1859.

Executed on the within, S. H. Tate, November 24, 1859.

M. E. BURKHART, *C. P. C.*

The Commonwealth of Kentucky to the sheriff or any constable of Pulaski county :

You are commanded to summon Jackson C. Patten, William W. Adams, James Delaney, William Greer, Daniel Lowder, John M. Smith, and Silas Price, to appear before me on the 23d, 24th, 25th, and 26th days of November, to testify in behalf of William C. Anderson, in a certain matter in controversy between said Anderson and James H. Chrisman, the said Anderson being returned as a member elect to the Congress of the United States for the fourth congressional district of Kentucky, and the said Chrisman claiming to be himself elected thereto; and this they shall in no wise omit under the penalty of the law.

D. H. DENTON, *P. J. P. C. C.*

NOVEMBER 22, 1859.

Executed on J. C. Patton, Wm. W. Adams, Wm. Greer, John M. Smith, November 8, 1859 ; also on Silas Price November 22, 1859 ; on Daniel Sowder November 22, 1859. By written notice.

H. W. GARNER, *C. P. C.*

James Delany not found.

The Commonwealth of Kentucky to any constable of Pulaski county :

You are commanded to summon Silas Lee to appear before me at the court-house in Somerset, Kentucky, on the 25th November, 1859, to testify and the truth to speak in behalf of W. C. Anderson, in a matter of controversy pending in the Congress of the United States of America, in which James S. Chrisman is contestant and W. C. Anderson is contestee. Given under my hand this 25th November, 1859.

D. H. DENTON, *P. J. P. C. C.*

I received the within notice November 28, 1859.

SILAS LEE.

The commonwealth of Kentucky to the sheriff or any constable of Pulaski county :

You are commanded to summon D. A. Davis, E. Brown, John S. Edwards, William L. Brown, Anna Mounce, Betsy Mounce, Henry Meece, (son of Polly Meece,) Abraham Haynes, Pleasant Jeffess, William H. Jones, and W. F. Patterson, to appear before me on the 23d day of November, 1859, at the court-house in Somerset, Kentucky, to testify in behalf of W. C. Anderson in a controversy pending before the 36th Congress of the United States of America, in which James S. Chrisman is contestant and W. C. Anderson is contestee.

Given under my hand this 8th of November, 1859.

D. H. DENTON, *P. J. P. C. C.*

Executed in full November 16, 1859.

S. HIND, *C. P. C.*

The commonwealth of Kentucky to the sheriff or any constable of Pulaski county greeting :

You are hereby commanded to summon David Massie and Adam Massie, Tyre Turpine and George Owens, to appear before the Hon. D. H. Denton, county judge of Pulaski county, on Thursday, the 24th of November, 1859, to testify and the truth to speak in a certain matter in contest, relative to a seat in Congress, between W. C. Anderson, the member returned for the 4th congressional district of Kentucky, and James H. Chrisman, who contests the right of Mr. Anderson, and claims to be elected thereto ; and this you shall in nowise omit under the penalty of the law.

D. H. DENTON, *J. P. C. C.*

Executed on the within named the 23d day of November, 1859.

J. R. COMPTON, *C. P. C.*

The commonwealth of Kentucky to the sheriff or any constable of Pulaski county, greeting:

You are hereby commanded to summons Maria Barnes and Lemuel Mounts to appear before D. H. Denton, presiding judge of the Pulaski county court, at the court-house in Somerset, on Thursday, the 24th instant, to testify and the truth to speak in a certain matter in controversy between W. C. Anderson, returned as a member elect to the Congress of the United States for the 4th congressional district of Kentucky, and James H. Chrisman, who contests said election and claims himself to be elected to fill said seat; and this they shall in nowise omit, under the penalty of the law; and make due return how you have executed this writ.

Witness my hand and seal of office, as presiding judge of the Pulaski county court, this 21st day of November, A. D. 1859.

[L. s.]

D. H. DENTON, *P. J. P. C.*

Executed in full November 22, 1859.

S. HINDS, *C. P. C.*

DANVILLE, KENTUCKY, *November 15, 1859.*

Take notice that on the 25th day of November, 1859, at the court-house in Somerset, before D. H. Denton, presiding judge of Pulaski county court, I will, in addition to the names already given you, take the depositions of W. M. Owens, F. J. Davis, and Dr. S. Moles, all residing in Pulaski county, to be used as evidence in the contest pending before the House of Representatives of the United States, and will continue from day to day until completed.

W. C. ANDERSON.

JAMES S. CHRISMAN, or M. T. CHRISMAN,
Agent for said James S. Chrisman.

Executed by delivering a true copy of this on M. T. Chrisman, agent for James S. Chrisman, November 10, 1859.

W. A. HARNESS, *J. B. C.*

NOVEMBER 2, 1859.

Take notice that on the 23d day of November, 1859, at the court-house in the town of Somerset, Pulaski county, Kentucky, I shall take the deposition of James Burk, before D. H. Denton, presiding judge of the Pulaski county court, to be read as evidence on my behalf before the House of Representatives of the next Congress of the United States, in the contested election between you and myself.

W. C. ANDERSON.

Mr. JAMES S. CHRISMAN.

Executed November 2, 1859, by delivering to James S. Chrisman a true copy of the within notice.

F. BATES, *S. W. C.*

NOVEMBER 12, 1859.

In addition those persons whose depositions I will take at the court-house in Somerset, Pulaski county, before D. H. Denton, presiding judge of said county, I will take the depositions of Horace Withers, Daniel Sowder, Wm. Miles, A. F. Davis, and James Burk, all of

whom reside in said county, to be read in the matter of contest now pending in the House of Representatives of the United States, in which you are contestant and I am contestee. Depositions to be taken November 23, 1859.

W. C. ANDERSON.

M. T. CHRISMAN,
Agent for James S. Chrisman.

Executed by delivering a true copy of the within notice to M. T. Chrisman, November 12, 1859.

J. H. WILLAMSON, *S. W. C.*

WILLIAM C. ANDERSON :

SIR : You are notified I will appear before the House of Representatives of the Congress of the United States at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district for the State of Kentucky on the first day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people, qualified to vote, to said office. Your right will be contested on the following grounds :

1. A majority of the votes polled at said election between us were for me and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland ; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board duly transmitted to the State board, the latter, in their canvass and estimate of the votes of said district in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been SEVEN votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were, by fraud or mistake of the officers of the election, recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State ; others by reason

of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6 Divers persons were unlawfully permitted to vote TWICE for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated, and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit :

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted, at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted, when his vote was cast.

Wm. Gibson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as last above stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

Wm. Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

A. L. McGhee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted, for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted, for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted, for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodessmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to and confined in the Kentucky penitentiary for larceny, by the judgment of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not twenty-one years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not twenty-one years of age, and not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not twenty-one years old when he voted.

Thomas Roy—Because he was not twenty-one years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not twenty-one years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county or precinct in which he voted, for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stephenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not twenty-one years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named ; and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted, for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted, for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not twenty-one years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not twenty-one years of age when he voted.

T. W. Lukins, *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me ; but, by mistake of the clerk, his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me :

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason ; he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each, to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not twenty-one years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted, for the time required by law.

Lee Yager—Because of the same reasons last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergaft, Nat. Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books and all the votes recorded at the Ireland precinct in the county of Taylor, because the officers of said election, who conducted and held the same, nor either of them, were sworn according to law, nor was the said poll-book certified by the officers as required by law.

I shall also object to and insist upon rejecting the poll-book and all the votes given at the 7th district in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, TO WIT:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above-named subscriber before me, clerk of the Boyle county court, this 20th September, 1859.

JAMES F. ZIMMERMAN, *C. B. C. C.*

JAMES S. CHRISMAN:

SIR: I have received a paper purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1, in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered as required by the law entitled "*Elections*," *Revised Statutes of the State of Kentucky*, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time, awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes, and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners of Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to re-assemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time; they were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake, to my prejudice, of four votes, was discovered on the poll-books of Boyle county, and an amended return, stating this fact, transmitted by the county board of Boyle to the State board at Frankfort; and when this fact was made public in the district that such an amendment had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie; and by the laws of Kentucky in such cases, the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland, you shifted positions, and contended that the board ought to

receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of State, and attorney general of Kentucky.

I do not know, and do not admit, that the mistake that you complain of occurred. It may be true, according to the books as they now stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as voting for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each:

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county; because he lived in the county of Russell.

2. R. M. Barnard—who voted at White Oak district, in Adair county; because he had not been in the county, State, or precinct for the time required by law.

3. George Simpson—who voted at White Oak district, in Adair county; for the same reasons as above.

4. Ben. F. Allen—who voted at the Neatsville district, in Adair county; because he was a resident of and lived in the White Oak precinct.

5. Milton Polly—who voted at White Oak precinct, in Adair county; because he lived in the Harmony precinct.

6. Elijah Leach—who voted at White Oak precinct, in Adair county; because he was not a resident of said precinct for the term required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county; because he lived at the time at Haysville, in Marion county.

8. William P. Royse—who voted at the Columbia precinct, in Adair county; for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in Adair county; because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the Gradyville district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in Adair county; because he was under twenty-one years of age.

12. James Jones—who voted at Neatsville district, in Adair county; or the same reason as above.

13. Jonathan McElroy—who voted at Harmony district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required.

14. George D. Redman—who voted at the White Oak district, in Adair county; because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at the White Oak district, in Adair county; because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district.

16. I. N. Vaughn—who voted at the same place as above, and for the same reason as above.

17. Samuel Vier—who voted at Columbia district, in Adair county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and because of the same reasons as above.

19. Joshua Prewitt—who voted at the White Oak district in Adair county; because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county; because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville precinct, in Adair county; because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in Adair county; because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at same place as above, and because of same reason as above.

24. Morgan Simpson, *alias* R. W. Simpson—who voted at Neatsville, in Adair county; because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbott, jr.—who voted at precinct No. 4, Boyle county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Charles Voss—who voted at district No. 4, Boyle county; because of the same reasons as last above named.

4. William Crow—who voted at district No. 3, Boyle county; for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted at district No. 2, in Boyle county; because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county; because of the same reason as last above named.

11. Samuel Goode—who voted in district No. 1, of Boyle county; because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county; because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county; because of the same reasons as the last above named.

14. William Staley—who voted at same place; because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neal—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place; because of same reason as last above named.

19. Hearn Gee—who voted in district No. 1, in Boyle county; because he is an idiot.

1. James F. Alstott, *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county; because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named; because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county; because of the same reasons as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county; because he was not 21 years of age.

6. John Henry Bryant—who voted at the Rolling Fork precinct, in Casey county; because he was indicted, convicted, and sentenced to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tate district, in Casey county; because he was not a resident of said district for the time required by law; he was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at the Rolling Fork precinct, in Casey county; because he had, before the election, removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county; because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, Clinton county; because he resided in district No. 4 of said county.

3. John Lemans—who voted in district No. 3, Clinton county; because he was under 21 years of age.

4. John Hughes—who voted at district No. 2, Clinton county; because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, Clinton county; because he lived at the time in district No. 3 of said county.

7. S. J. Vance—who voted in district No. 5, Clinton county; because he lived at the time in district No. 4 of said county.

8. Joshua Birdwell—who voted in district No. 2, Clinton county; because he lived in district No. 1 of said county.

9. George Wilkerson—who voted in district No. 2, Clinton county; because he was a foreigner, and not a citizen of the United States.

10. John Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, Clinton county; because he lived at the time in the Hays district of said county.

12. James Hare—who voted in district No. 3, Clinton county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, Clinton county; because he is *non compos mentis*, or, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, Clinton county; because he is a foreigner, and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, Cumberland county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons as last above named, and because he lived at the time in the Elliott district of said county.

7. John Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulsen—who voted at Kettle Creek precinct, Cumberland county; because of the same reasons as last above named.

9. Jacob Dulworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, Cumberland county; because he resided at the time in Adair county.

11. John Cooksey—who voted at same place; because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, Cumberland county; because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, Cumberland county; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, Cumberland county; because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, same county; because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider or Crider—who voted at the Elliott district, Cumberland county; because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, Lincoln county; because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at same place as last above named; because he was at the time a resident of the Walnut Flat district.

4. J. T. Waterhouse—who voted at same place as last above named; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, Lincoln county; because of the same reasons as last above named.

6. Wesley Davis—who voted at same place, and because of same reasons as last above named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county; because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Sylar—who voted at Waynesburg, in Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at same place, and because of same reasons as last above named.

10. Zach. Cook—who voted at same place, and because of same reasons as last above named.

11. Levi Cotton—who voted at Turnersville precinct, in Lincoln county; because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county; because he was a foreigner, and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Sherron or Sherrondon—who voted at same precinct as last above named; because he was not 21 years of age.

14. Charles McWilliams—who voted at same precinct as last above named; because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at Crab Orchard, in Lincoln county; because he was not 21 years of age.

16. Jesse Hoythe—who voted at Waynesburg, in Lincoln county; because he had, before the election, removed to Rockcastle county, and was not a resident of the precinct in which he voted.

1. S. E. Reed—who voted at Creelsboro' district, in Russell county; because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at same place; because of same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county; because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown precinct, in Russell county; because he was not at the time a resident of said precinct.

6. Elijah Low—who voted at Wolf Creek precinct, in Russell county; because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell county; because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county; because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825, make the house in which said Miller resides in Adair county.—(See pages 40 and 41.)

9. Allen Bybee—who voted at Creelsboro', in Russell county; because he was at the time a resident of Clinton county.

1. William Redding—who voted at Saloma precinct, in Taylor county; because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.—who voted at same place, and for the first reason last above named.

3. James H. Ratliffe—who voted at the Little Pinchem district, in Taylor county; because of the same reason last above named.

4. Frank Rhodes—who voted at Mannsville district, in Taylor county; because he was not 21 years of age.

5. Marion Peterson—who voted at Campbellsville precinct, in Taylor county; because he had not been a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county; because of the same reasons as last above named.

7. Henry Shaffner—who voted at same place last above named; because he was not 21 years of age.

I deny that William Davis, and Jackson D. Richardson, and Wm. R. Cumbass, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerks of the election at the district in which Wiley Turner voted, erased his name and vote without just reason.

I deny that the judges, without good reason, refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, Geo. W. Crane, and Samuel Leffien are recorded for me; but they voted and are recorded for you. The vote of Nelson Pendegraft is recorded for me, and I state that he so voted, and that his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you. I state that he voted for me at the polls, and was so recorded.

I deny that the poll-book of the Ireland precinct, in Taylor county, is improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was improperly and illegally certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book, and the votes therein recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood, Anderson, 49; Chrisman, 95.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified as required by law. At said precinct the vote stood, Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Mannsville district, in Taylor county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of Whetstone precinct, in Cumberland county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books of

all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law. And also, because the said poll-books were in your possession, and inspected by you and your political friends, before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday night next after the election, (by your democratic friends,) and before the comparison.

I shall insist upon counting in my favor the following votes, which were cast for me, and omitted to be recorded by the clerk :

Richard Pendegraft—who voted at district No. 1, Boyle county.

Henson Pendegraft—who voted at the same place.

David Wells—who voted at Burksville precinct, Cumberland county.

Bethel Compton *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for Wm. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress—his name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall insist upon striking from your poll, and adding to my own, the vote of—

J. T. Reynolds—who voted in district No. 3, in Boyle county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

James Janes—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

Cyrus Judd—who voted at the White Oak district, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon striking from your poll the vote of—

Samuel M. Baker—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Polston, Ben. Austin, J. C. Williams, J. C. Cundiff, W. S. Baldock, W. J. Jones, Bird Russell, J. Abshear—all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of election :

Charles B. Kirkland—who offered to vote at precinct No. 1, in Boyle county.

B. W. Moss—who offered to vote at precinct No. 2, in Boyle county.

Isaac F. Keys—who offered to vote at Greensburg, in Green county.

I shall also insist upon excluding the votes of the following named persons, who were permitted to vote after the time fixed by law for closing the polls, and after the polls had closed:

Frank Delaney—who voted at Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shelton, *alias* Chilton—who voted at Jamestown precinct, in Russell county.

I shall insist upon adding to my poll the votes of the following named persons, who voted for me, and were so recorded, and their votes stricken from the books by the judges of election, after said voters had left the polls, and were not recalled, and without their consent or approbation:

Archibald Sidwell—who voted in district No. 4, Clinton county.

Jesse Sidwell—who voted in district No. 1, same county.

W. A. Ellis—who voted at district No. 4, same county.

I shall insist upon rejecting the third page of the poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk as required by law; on that page the vote stood, Chrisman, 18; Anderson, 9.

I shall also insist upon striking from your poll the vote of Wm. R. Bowman, *alias* "Wm. Bowman," who voted in district No. 2, Boyle county, because said Bowman gave no vote in the congressional race, and by mistake of the clerk, his vote has been recorded for you.

I shall also insist on striking from your poll the vote of—

G. R. Vaught—who voted at the Somerset district, in Pulaski county; because the vote of the said Vaught was recorded, by mistake of the clerk, for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and the votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics; when, by the laws of Kentucky, there should have been an equal division of officers if they could be found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge; Greenup Meese, sheriff; and Willis J. Stogsdell, clerk of said district, are all democrats, and agree with you in politics, held said election at said district, and at the district the vote stood, Chrisman, 68, and Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk, he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, that a mistake of ten votes was made to your prejudice. If you re-

ceive the benefit of such pretended mistake, and I deny that such a mistake was made, I shall claim that the whole vote of Kettle Creek precinct be rejected; because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hughes, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was 486, and so counted in the returns.

In the account sent to Frankfort from the county of Adair, the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may, and actually do, make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you have been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason that you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; but even if defeated in Congress, you would get the mileage and compensation anyhow.

1. John Ping—who voted at the Dallas district, in Pulaski county; because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county; because he was not 21 years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

4. David Sadler—who voted at the Harrison district, Pulaski county; because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county; because he was not 21 years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary for felony, from Whitley county, Kentucky, and served his time out therein, and was thereby, by law, disfranchised.

7. Erased.

8. Eli Dykes, jr.—who voted at the Somerset district, in Pulaski county; because he was a resident of the Bent district, Pulaski county, at the time of said election.

9. John L. Logan—who voted at the Harrison district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

10. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

11. Wesley Neal—who voted at the Buncombe district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

12. Norris Williams—who voted at the Bent district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

13. Washington Reynolds—who voted at the Bent district, in Pulaski county; because of the same reason as last above stated.

14. James Parton—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

15. John Elder—who voted at the same district for the same reason as above.

16. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county; because he was a foreigner, and not a citizen of the United States.

17. Thomas Jenkins—who voted at the same district, and for the same reason as above.

18. Henderson Angell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

19. Patrick Doyle—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

20. Samuel Hansard—who voted at the same district; because there is no such voter living in said district.

21. John Davis—who voted at the Somerset district, Pulaski county; because he was not 21 years of age.

22. Wm. Burton, son of Benj. Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

23. Dunny Lustre, son of Jesse Lustre—who voted at the same district, and for the same reason.

24. J. J. Smiley—who voted at the Grundy district, Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

25. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not 21 years of age.

26. Joseph Keith—who voted at the same district, and for the same reason.

27. Daniel Chitwood—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

28. Jonathan Abbott—who voted at the same district, and for the same reason.

29. John Brown—who voted at the same district, and for the same reason.

30. Elijah Burton—who voted at the Gaines district, Pulaski county ; because he was not 21 years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county ; because he was not 21 years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county ; because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr.—who voted in the same district last named ; because he was not a resident of the State, county, or precinct for the time required by law.

4. Daniel Sullivan, sen.—who voted at the Greensburg precinct ; because of the same reasons last above named.

5. Selden Renfro—who voted at district No. 5, in Green county ; because of the same reasons last above named.

6. Thos. Elmore—who voted at district No. 4, in Green county ; because he was not 21 years of age.

1. George W. St. Johns—who voted at district No. 1, Wayne county ; because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county ; because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place ; because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district ; because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district ; because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Greer—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district ; because he was not a resident of the State, county, or precinct for the time required by law.

9. E. F. Waller—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

11. Andrew Henry—who voted at the same district ; because he is not 21 years of age.

12. John Chriswell—who voted at the same district ; because he was not a resident of the county or district for the time required by law ; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district ; because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district ; because he is not 21 years of age.

15. Charles Orman—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

16. George Smith—who voted at the same district ; because he is not 21 years of age.

17. William Terry—who voted at the same district ; because he was not a resident of the county or district ; in fact, he was a resident of Russell county at the time of the election.

18. George Arthur—who voted at the same district ; because, after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs, in Wayne county ; there is no such voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county ; because he was not a resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and further, because he is not entitled to vote in Kentucky, or anywhere else, he being under 21 years of age.

21. Thomas Rutherford—who voted at the same district ; because he is not 21 years of age.

22. Marion Stevenson—who voted at the same district ; because he is not a resident of the county or district for the time required by law.

23. Thomas Mus—who voted at the same district ; for the reasons last above named.

24. Wm. Scantland—who voted at the same district ; because he is not 21 years of age.

25. Sam'l Pennington—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

26. John Fredricks—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

27. James Daus—who voted at the same district ; because he is not a resident of the county or district ; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district ; because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchinson—who voted at the same district ; because he is not 21 years of age.

31. Wm. Weaver—who voted at the same district ; because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you when he first

cast his vote for the other democratic candidates for the various offices of the State, &c.

32. William Foster, jr.—who voted in Mill Spring district; because he is under 21 years of age, and not a resident of the district, as required by law.

33. George Payne—who voted at the same district; because he is an idiot.

34. F. M. Marcum—who voted at the same district; because after he had recorded his vote for me, and had left the polls, his name was erased from the poll books, so far as his having voted for me.

35. Thomas Simpson—who voted in Mill Spring district, in Wayne county; because he was under 21 years of age.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county; because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district; because he was not 21 years of age.

38. Wm. Rule—who voted at the same district; for the same reason last stated.

39. Shelby Denny—who voted at the same district; for the same reason last stated.

40. Wm. Carter—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district; because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

43. John Sloan, jr.—who voted at same place; because of the reasons above named.

44. Berry Shoat—who voted at the same place; because of the reasons above named.

45. Andrew Hill—who voted at the South Fork district, in Wayne county; because he was not 21 years of age.

46. Granville Spradlin—who voted at the same place; because he was not 21 years of age.

47. William Brewster—who voted at the same place; because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place; he only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville; because he was not a resident for the time required by law.

50. William King—who voted at the same place; because he was not 21 years of age.

51. James Davis—who voted at same place; because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place; because of the reasons last above named.

53. Hiram Troxdall—who voted at the same place; because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullettown district, Wayne county; because he was not 21 years of age.

55. Granville Shoat—who voted at the same place; because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county; because he was not a resident for the time required by law.

57. Isaac Mason—who voted at same place; because he is not a legal voter.

58. Stephen Loveall—who voted at same place; because he is under 21 years of age.

59. Gideon Loveall—who voted at same place; because he is not a legal voter.

60. Christopher Jones—who voted at same place; because he is not 21 years of age.

John Honey—who voted at Mullettown, not having been a resident of the district, State, or county the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice. If so, I hereby deny them. But I do admit that Abraham Monroe, whose vote you challenged, as I suppose, was not a legal voter; for if you will examine the poll-books, you will find that said Monroe voted for you, and is recorded and counted.

You have also challenged the vote of James Lair. The said Lair voted for you and is so recorded, but the same is illegal; and I therefore admit that as he voted for you his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested; but I expect to prove, and will prove, before said Congress, that I am honestly, fairly, and legally elected to that position; and I will state, that in the discharge of the high duty, as the representative from the fourth congressional district of Kentucky, endeavor to so act, as to meet with the confidence and respect of my constituents. The war-worn veteran, the children of the country, the widow, the orphan, shall, so far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Executed the within upon James S. Chrisman, (the within named,) by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *D. S.*

EXHIBIT C.

On the 15th day of November, 1859, at the court-house in the town of Jamestown, Russell county, Kentucky, before William M. Green, presiding judge of the Russell county court, I shall take the depositions of E. McFall, William Wilburn, James Sullivan, John Sullivan, J. C. Winfrey, Thomas Grider, J. E. Grider, C. C. Burton, L. H.

Russian, Clayton Ellis, Elijah Coffey, T. L. Wood, B. Holt, Lewis Sharp, Wm. Johnson, J. G. Scholl, W. H. Haynes, Elias Dunbar, Chesley Muse, James Fox, James Grider, James Miller, James Duncan, Geo. Ryan, H. Campbell, Wm. Jones, Seth Wade, Samuel Jeffries, Solomon Mills, James P. Floyd, W. S. Patterson, George Matney—all of which witnesses now reside in the county of Russell and State of Kentucky.

W. C. ANDERSON.

JAMES S. CHRISMAN.

The additional list is Allen Grider, A. Satterfield, S. H. Satterfield, Paul Polson, sr., James E. Wilson, Robert Blakey.

W. C. A.

The deposition of Isaac G. Scholl, taken at the court-house in the town of Jamestown, Russell county, Kentucky, on the 15th day of November, 1859, to be read as evidence before the House of Representatives of the Congress of the United States in the matter of controversy between James S. Chrisman and William C. Anderson, wherein said Chrisman is contesting the right of said Anderson to a seat as representative in the Congress of the United States from the fourth congressional district of Kentucky. Witness, being of lawful age, and first duly sworn, says :

Interrogatories by W. C. Anderson's attorney :

I know John Chilton when I see him ; he voted at Jamestown, Russell county, Kentucky, for James S. Chrisman at the late August election ; when he came in to vote it was late ; I was at the polls and saw him vote ; I went immediately across the square to Mr. H. Campbell's, and by his clock it was twenty-eight minutes past 7 o'clock ; I went then to Lewis Jones' store and examined his watch, and it was either half-past 7 o'clock or twenty-five minutes past 7 o'clock ; the voting place was at the court-house ; it is about twenty-five or thirty-five steps to Campbell's from there ; Campbell's family room to Jones' is about the same distance.

Cross examined by J. S. Chrisman's attorney.

There was some jawing at the polls about Chilton's vote ; I do not think I was present when Chilton came to the polls to vote ; it was some fifteen or twenty minutes after I got there before he voted ; I think I looked ; my opinion was, that the sun was down when he voted ; I saw the sun a few minutes before that ; I was satisfied the sun was down when he voted ; I had seen the sun a short time before, and it seemed to me that it was getting something like dusk when he voted. And further this deponent saith not.

J. G. SCHOLL.

Also the deposition of Elias Dunbar, taken at the same time and place as the deposition of J. G. Scholl, and for the same purpose as stated in the foregoing caption to the deposition of said Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says :

Questioned by W. C. Anderson's attorney :

I was clerk of the election at precinct No. 1, at Jamestown, Russell county, Kentucky, at the last August election ; a man named John Chilton presented himself to vote ; I do not know the time of day ; the judges had decided that the time of voting was out ; the judges had all voted ; the vote had been added up and I had signed my name to the poll-book before he presented himself to vote ; at the time the judges decided to close the polls we had only the last half page of the poll-book to add up ; objection was made to his vote when he presented himself, because the time of day had passed for taking votes ; from the time he presented himself to vote until his vote was taken it was, I suppose, between ten and fifteen minutes.

Cross-examined by J. S. Chrisman's attorney.

I signed my name at the foot of each page after the last vote on each page was cast, except on the last page ; the judges had decided that the time for voting was passed, and I had signed my name to that page before Chilton came in to vote ; my name as clerk is signed on the poll-book below that of Chilton's, directly under and in the next line, and my name as a voter is signed in the line just above Chilton's ; there were only twelve votes to add up, and twenty-two columns to add up after the judges had decided to close the polls, and ten votes in eleven columns and two votes in eleven of the columns. And further this deponent saith not.

ELIAS DUNBAR.

Also the deposition of Hiram Campbell, taken at the same time and place, and for the purpose as stated in the caption of J. G. Scholl's deposition. The deponent, being of lawful age, and first duly sworn, deposeth and says :

Questioned by W. C. Anderson's attorney :

I know John Chilton who voted in precinct No. 1, at Jamestown, Russell county, Kentucky, at the last August election ; I was not present when John Chilton presented himself to vote ; I left home at three or four minutes before 7 o'clock by my watch ; I came over to get a statement of the polls ; was some several minutes at the polls ; they were adding up the vote ; I saw nor heard nothing of Chilton's having presented himself at the polls to vote up to that time ; I heard of his voting afterwards ; I think Mr. Scholl was at my house after my watch ; I cannot say whether it was after I left the polls or before I went to them ; when I left the court-house I looked for the sun and I could not see it.

[Objected to by Mr. Chrisman's attorney to Mr. Campbell's statement of hearing of Chilton's voting.]

Cross-examined by Chrisman's attorney.

I do not know that my watch was precisely right. I know that it was very nearly right. I do not know whether Mr. Chilton voted before or after I went to the polls. And further this deponent saith not.

HIRAM CAMPBELL.

Also the deposition of Archibald Satterfield, taken at the same time and place, and for the same purpose as stated in the caption to the foregoing deposition of Isaac G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says :

I am the father of Preston Satterfield and am acquainted with him. He voted at the last August election at precinct No. 1, in Jamestown, and voted for W. C. Anderson. My best recollection is, that he was twenty-one years old the 14th day of July last. I had a Bible record of his age, which was at my son Shirnal's. I have not seen it lately; the Bible is not at my house.

Cross-examined by J. S. Chrisman's attorney.

Says he does not recollect whether N. B. Stone called on him to know the age of his son Preston or not; it is possible he did. I think I informed him since the election that he (Preston) was twenty-one years of age. I told him I had his age recorded in a Bible at home. I then thought the Bible was at home, but when I came to look for it it was not there, but up at Shirnal's. He asked me for the privilege of going up to my house and looking at the Bible. I told him the Bible was locked up; he asked me for the key, and I think I refused to let him have it. I recollect distinctly that I did put his name down in the Bible. Since I had the conversation with N. B. Stone, I have been informed by my son Shirnal that the leaf upon which his name was entered in the Bible was torn out. And further this deponent saith not.

A. SATTERFIELD.

Also the deposition of Shirnal H. Satterfield, taken at the same time and place, and for the same purpose as stated in the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says, in answer to questions by W. C. Anderson's attorney :

I am the brother of Preston Satterfield. My best recollection is, that he was twenty-one years of age in July last. I speak from my own knowledge of his age. I will be thirty-six years of age January the 31st next. I have seen a record of Preston's age in the Bible, in my father's handwriting. The Bible is now at my house. The leaf upon which Preston's age was recorded was torn out by my oldest daughter about three years since. I kept the leaf loose in the Bible over a year, and have not seen the leaf since. I have had the Bible in my possession six or seven years. My mother gave me the Bible, and I took it with me when I moved to where I now live.

Cross-examined by J. S. Chrisman's attorney.

I am thirty-six years old next January. There were four children between me and Preston. James, I think, was born in September, 1835. He is older than Preston, and there was no child between him and Preston. Preston, I think, was born in 1838. James' name is

not in the Bible ; his, Preston's, Sarah Margaret's, and the death of William, who was older than me, are torn out of the Bible. Mine, William's, Alsiam, and Susan's ages are still there recorded. The ages of the four oldest are not torn out. The ages of the four youngest are torn out. My recollection of Sarah Margaret's age is, that she was born in 1842, and she was the next child to Preston, and the last. And further this deponent saith not.

S. H. SATTERFIELD.

By consent, Archibald Satterfield recalled, and, in answer to questions of J. S. Chrisman's attorney, says :

I do not recollect telling either of the Mr. Joneses since the election that I had examined the Bible and found that Preston was twenty-one years old on the 14th of July. I might have done so. I think the way was, that I told them I had his age in the Bible, and that he was twenty-one on the 14th of July; and when I came to look for the Bible I found I had not the Bible. I do not recollect telling any one that I had examined the Bible since the election.

Question by J. S. Chrisman's attorney. Have you or have you not told or said to William Jones, or some of the Joneses, that you had examined your Bible after the election, and found your son Preston's name recorded therein, and his age set down in the same.

Answer. I no not recollect having done so. I might have done it, but do not recollect at present.

And further this deponent saith not.

A. SATTERFIELD.

Also the deposition of Allen H. Grider, taken at the same time and place, and for the same purpose as stated in the caption to the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says, in answer to questions by W. C. Anderson's attorney :

He knows James M. Lester. He voted at Creelsburg, precinct No. 2, of Russell county, as he told me, at the last August election. He boarded at my house, and taught a school. His school was out the 15th or 16th of July. I live in precinct No. 2. He left my house when his school was out, and took a suit of clothes with him. He came back in a few days, and got his other colt. He only made arrangements to board with me until his school was out. He had two colts at my house whilst he boarded there—the one he rode off when he first left, and came back in a few days and took the other. When he left my house he said he was going to Sim Jones', in district No. 1, or the town district. At the time of the election, he was going to school over at Elliott's, in the county of Cumberland. He had been there about a week before the election. Came up on Sunday night before the election to my house, and voted on Monday following. He went back in a day or two afterwards to school at Elliott's. Before he came to my house to keep school, I think he was living at C. S. Jones'. From the time his school was out until after the election in August he did not live at my house. He paid me up for his board, and paid only up to the time his school was out.

Cross-examined by J. S. Chrisman's attorney.

There was no arrangement or contract between me and Lester that he should go out to Elliott's, and go to school six weeks, and then return and board with me. He said if nothing happened he expected to teach another school there that fall. Nothing was said about boarding at my house. Lester is a young man. His father and mother are both dead. I am his brother-in-law. He has no farm or land that I know of. He has boarded at my house for the last two years, during some two or three schools, and I suppose he boarded there or lived as much there for the last two years as anywhere else. When he was not teaching school and boarding with me I did not consider my house his home. When he left my house he went to Sim Jones'. He said he was going to go to Cumberland, and go to school, and would come back and teach a school if he could get one. I suppose he left some clothes at my house when he went off to Sim Jones'. I did not see them. When he took his colt off, he said Sims Jones would pasture it for nothing, and I told him I could not afford to pasture it for nothing. He lived at my house during a five months' school, which was out on the 15th or 16th of July, when he left my house, and returned in a few days and got his colt. When he came back he came to my house, and went round among the neighbors trying to make up a school, but did not succeed. This was after the election in August.

Re-examined by W. C. Anderson's attorney.

Lester is a single man without family. During the time he boarded at my house he claimed Sim Jones' as his home. Whilst his school was going on, and he was boarding at my house, he considered that as his home. Whenever his time was out, he claimed Jones' as his home. It was during the time he was boarding with me, and I do not remember whether it was whilst he was going to school or teaching school. I suppose he is twenty-one years old, and do not know that he ever voted before. I know Dr. S. E. Reed. Do not know when he came to Russell, or where he came from. He came to my house this spring or last fall, and remained a few days; was looking about for a place to board. He came from Sim Jones', in Russell county. He went from my house to Willborn's, in Cumberland county, and staid or boarded there a while. Do not know what time he came back to Cumberland.

Cross-examined by J. S. Chrisman's attorney.

When Dr. S. E. Reed came to my house hunting board, he told me he was going to settle in Creelsburg, and practice medicine.

And further this deponent saith not.

ALLEN H. GRIDER.

Also the deposition of Emberson McFall, taken at the same time and place, and for the same purpose as stated in the caption to the

foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says, in answer to questions by W. C. Anderson's attorney :

He knows Dr. S. E. Reed. Does not know where he voted or who for at the last August election. He came to Dr. W. D. Lair's, at Louisville, district No. 3, Russell county, about the 1st day of September, 1858. He staid about a month at Mr. N. McClure's, near Louisville; from there, I understood, he went to Creelsburg.

Cross-examined by J. S. Chrisman's attorney.

Dr. S. E. Reed came to Rowena a short time before Dr. Lair left this county—which was in 1857, instead of 1858. I was mistaken in stating he came to Louisville in 1858—it was 1857.

Re-examined by W. C. Anderson's attorney.

He is acquainted with Lindsey Brummet. He voted at Louisville, district No. 3, Russell county. He voted for J. S. Chrisman. He had his clothing and washing and all his plunder at Rufus Dick's, in Clinton county. He came into the bottom on the Friday before the election. Whether he brought his clothes or not, I do not know. He had had them at Dick's, in Clinton county, for about four months before that time. As he told me, the bottom is in precinct No. 3. He told me and K. L. Sawner, and James Sullivan, on the day of the election, that Rowena was not his voting place. He has no house or permanent home where he lives, as I know of. For the last year or two he has lived a part of his time in Clinton and a part in Russell. Where he could get the most, and the most liquor to drink, there he staid.

Cross-examined by J. S. Chrisman's attorney.

When he told me that Louisville was not his voting place, he was, I think, more sober than I had seen him for several years. I did not try to get him to vote at that precinct for Anderson. I did try to get him to go to his precinct where he was entitled to vote and vote for Anderson. He had not worked a day that summer in that precinct as I know; if he did, it was on the Saturday before the election. He had worked for Mr. McWhorten in the spring, and he drove him off. McWhorten lives in that precinct—No. 3—Russell county.

And further this deponent saith not.

E. McFALL.

Also the deposition of S. L. Wood, taken at the same time and place, and for the same purpose as staid in the caption to the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says, in answer to questions by W. C. Anderson's attorney :

He is acquainted with Dr. S. E. Reed. He voted at Creelsburg, precinct No. 2, in Russell county, and voted for J. S. Chrisman. He

came from Overton county, Tennessee, as he told me, and got to this county three days and a half after the August election, 1857. Just before the last election he told me he was not going to vote, that he was entitled to vote, that he had not been in the State two years, and that he had gone to Wilburn's, in Cumberland county, last spring or fall, and lived there some time. I think he staid some time at Wilburn's before he set in with him to board, and he boarded then about four weeks; and after he came back to Creelsburg, he kept his washing some time at Mr. Wilburn's, in Cumberland county. Dr. S. E. Reed has no family, and has had none since he came from Tennessee.

Cross-examined by J. S. Chrisman's attorney.

Cannot say where he kept his medicines whilst he boarded at Mr. Wilburn's. He had his trunk at Wilburn's. Do not know that he had any property in Creelsburg during that time.

Re-examined by W. C. Anderson's attorney.

I am acquainted with Albert McDowell. I lent him my horse to come to Jamestown, precinct No. 1, Russell county, to vote. He was at that time boarding with me at Creelsburg, precinct No. 2, Russell county. I think he came to my house to board in June or July, shortly after Mr. Lester's school was out. He had been living at and boarding at my house some weeks before the August election last, and continued to live there until some time in September. He is a single man without family.

Cross-examined by Chrisman's attorney.

He was selling goods in Creelsburg, and had employed A. McDowell to live with him as long as McDowell wished to stay. Some time after, he came to my house; whether it was before or after the election I cannot state. I loaned him my horse and saddle-bags, I think he said, to go to his brothers. He did not go. I do not know that I heard him say where he lived before he came to my house. I expect he claimed his home at his brother's. I do not know.

I have no recollection of stating that Mr. McDowell said he was going home when he borrowed my horse and saddle-bags. I do not recollect whether he said he was going home or to his brother's. I think his brother lives in Russell; I am not certain. Mr. McDowell came to my house—I was selling goods—and wanted to stay with me and learn the business. I was not to charge him anything for board, and was not to pay him anything for his services. There was no stipulation about the time he was to stay there. I loaned him a horse, and he said he was coming here to Jamestown to vote. He was going to school, and boarding with me in district No. 2, more than 60 days previous to the August election. He was not boarding at my house whilst he was going to school. I think he boarded with Mr. Massah a part or all the time he was going to school. When he borrowed my horse after the election, I think he was going to leave. I think at that

time Butler and myself got to talking about a trade, and I sold out my goods to Butler and McDowell, and he did not go. I could not say whether my house could be considered his permanent home or not. He had bought my house and was going to sell goods there, as he told me at the time he bought my house and lots. He was to leave me whenever he wanted to ; there was no time set. I think he had gotten some medicines to sell on commission before I sold them my goods.

Re-examined by Anderson's attorney.

Mr. McDowell has continued to live at Creelsburg ever since he came to live with me, and is still there selling goods, I think. I sold him my storehouse in May or June, at which time he told me intended to sell goods there.

And further this deponent saith not.

T. L. WOOD.

Also the deposition of Clayton Ellis, taken at the same time and place, and for the same purpose as stated in the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and saith :

Questioned by W. C. Anderson's attorney :

Knows Silas Collins, and have known him from a boy. He voted at Creelsburg, district No. 2, as I understand. About twelve months since I understood Collins was starting to move, and was at James Pierce's. I went to Pierce's and paid him some 70 or 80 cents I was owing him ; he was there, and was absent from that time until towards spring.

By Anderson's attorney. At what time was it you paid him the 70 or 80 cents at Pierce's, and how long after that was it before you saw him in Russell county again ?

Answer. I think it was sometime in October, 1858. The best of my impression is, it was sometime in April before I saw him again in Russell.

By same. Do you know W. F. Collins ; at what precinct in Russell county did he vote at the last August election ; and for whom did he vote in the election between Mr. Chrisman and Mr. Anderson ?

Answer. I know W. F. Collins, but do not know whom he voted for, or where he voted.

By same. Do you know anything about his having gone to Missouri or any other place from Russell county sometime since ; and if so, for what purpose did he go ?

Answer. He was absent sometime back. He was working for me ; said his connexions were moving ; asked me to let him go and see them. He went and did not come back to my house to work any more.

By same. Did he have any land or other property in Russell or Adair counties at the time he left your home ; and if so, did he sell it, or has he at any time sold it ?

Answer. I do not know from my own knowledge. His father lives in Adair county, and he is working about from place to place.

By same. Where has he been living since you saw him in Russell county last April, and where was he living at the time of the election ?

Answer. I do not know where he lived ; I think he made a crop at Robert Blakey's, but do not know ; have seen him at work there several times ; Robert Blakey's, in district No. 2, in Russell county.

By same. Do you know James P. Miller, the sheriff of Russell county ; if so, do you know at what precinct he voted at the last August election, or for whom, in the race between James S. Chrisman and W. C. Anderson ?

Answer. I know James P. Miller ; I did not see him vote ; he was acting as sheriff at the Creelsburg precinct, No. 2, in Russell county, when I voted.

By same. Do you know whether or not he lives in the house known as the "Adam Miller house ;" if so, by whom was the Adam Miller house built, and how long ago ?

Answer. I do not know whether he lives in the house Adam Miller lived in, or whether he lives in some improvement he has made, all combined together. I do not know who built the house Adam Miller lives in. I do not know when the Adam Miller house was built ; I saw it some sixteen or seventeen years since.

By same. Who was living in the house known as the Adam Miller house when you first saw it ; and how much of the house now occupied by James P. Miller is the old Adam Miller house ; and how much is the improvement to it you have spoken of ?

Answer. Adam Miller himself lived there when I first saw it. I think there was a couple of houses, and probably three, in the old man's time, which were all combined together. I cannot say what improvements have been made since ; I think there is now probably four rooms.

Cross-examined by J. S. Chrisman's attorney.

Question. Is or not James P. Miller, now the acting sheriff of Russell county, elected by the people ; and do you know, of your own knowledge, whether his residence is in Russell county or not ?

Answer. I suppose he is sheriff of Russell county, and is acting as sheriff. I cannot say whether he was elected by the people or not. I do not know whether he lives in Russell county or not, of my own knowledge.

And further this deponent saith not.

CLAYTON ELLIS.

Also the deposition of Lewis Sharp, taken at the same time and place, and for the purposes as stated in the caption of the foregoing deposition of Isaac G. Sholl. The deponent, being of lawful age, and first duly sworn, deposeth and says :

By Anderson's attorney. Do you know William Sharp ? Did he not vote in Russell county at the last August election ; if so, in what precinct ; for whom did he vote in the race between Chrisman and Anderson ?

Answer. I know William Sharp ; I did not see him vote ; if he voted at all he voted at Jamestown, Russell county, Kentucky, in precinct No. 1. I do not know whom he voted for.

By same. Did he or not move from Russell county out of the State

some time since ; if so, where to, and how long since. Did he return to Kentucky again ; if so, when and where to ; and where was his home at the time of the last August election ?

Answer. He moved to Illinois about 1844 ; he staid there about twelve months, and returned to Kentucky ; he stopped in Mead county ; remained there some two or three months ; then came to Barren county, Kentucky ; and a few days before the election he told me his home was in Hart county, Kentucky.

By same. Do you know whether he raised a crop in Hart county this season or last season ; if so, which ?

Answer. He told me he raised a crop in Hart county, Kentucky, this year.

Cross-examined by J. S. Chrisman's attorney.

Who was present when the conversation between you and William Sharp took place on Friday before the election ?

Answer. I do not now recollect who was present.

By same. Did William Sharp tell you he had raised a crop in Hart county, and sold it for a horse ?

Answer. He told me he had raised a crop in Hart county this year, and a good crop, too ; and I heard he had traded it for a horse.

[Answer objected to by Chrisman's attorney.]

By same. Are you or not deeply interested in Anderson's success in this controversy ?

Answer. I do not think I am ; no further than a man's ability would admit of ; I like Anderson very well as a man from the acquaintance I have had with him.

And further this deponent saith not.

LEWIS SHARP.

[Mr. Stone, attorney for J. S. Chrisman, objects to taking depositions after dark, and refused to be present and cross-examine.

W. M. GREEN, *P. J. R. C.*]

Also the deposition of L. H. Roussau, taken at the same time and place, and for the same purpose as stated in the caption to the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says :

By Anderson's attorney. Are you acquainted with Albert McDowell ; do you know in what county and precinct he voted at the last August election ; and if so, do you know for whom he voted in the race between Jas. S. Chrisman and W. C. Anderson ?

Answer. I am acquainted with Albert McDowell ; I do not know where he voted, or who for, at the last August election.

By same. In what precinct in Russell county was he living at last August election ; how long had he lived in the precinct in which he was then living, and where had he moved from to that precinct ?

Answer. He attended Mr. Lester's school, in the suburbs of Creelsburg, until his school was out ; then he went in the store with Mr. Wood, in Creelsburg ; I think he attended Lester's school all the

time, which was a five months' school, and it expired about the 16th of July ; he remained at Wood's until the 15th or 20th of August, when he came to me and spoke for a year's board ; I do not know whether he had moved any of his clothing to his brother's or not during that time ; I did not miss him from Creelsburg during the time only at the election.

By same Does or not Albert McDowell still live in Creelsburg, precinct No. 2, and has he, to your knowledge, lived in any other precinct in Russell county since he went there to attend Lester's school ?

Answer. Up to last week Mr. McDowell has been at Creelsburg, or in precinct No. 2, since he came there to attend Mr Lester's school, and if he has lived out of that district within the time I do not know it.

By same. Are or not Busten & McDowell still engaged in merchandising in Creelsburg, in precinct No. 2, and does not McDowell still own property there ; if so, what property ?

Answer. I suppose they are ; I have not heard of any dissolution of the firm ; Mr. McDowell told me he was a partner in the lot, and also in the goods ; I do not know what interest he has.

By same. Do you know for what purpose McDowell left Creelsburg last week, and do you know whether or not he still regards Creelsburg his home ?

Answer. Mr. McDowell told me he expected to teach a school this winter in the country, and said when he came to board with me he would be absent during his school if he got one ; Mr. McDowell told me this evening he would not be at Creelsburg until the latter part of this week.

By same. Do you know Dr. S. E. Reed, and what do you know about his residence for a period of two years prior to the last August election ?

Answer. I know Dr. S. E. Reed ; he has been residing about at different places ; he came to Creelsburg, I think, last spring was a year ago, and asked me what I would board him for ; when I saw him again he said he had declined coming ; he staid at Allen Gride's awhile, some five or six months after he first spoke to me for board ; it may not have been so long ; he came to Creelsburg ; did stay there and in the vicinity awhile, and then moved down to William Wilburn's, in the county of Cumberland, and remained there awhile, I cannot say how long, and came back from Mr. Wilburn's to Creelsburg, I think, sometime between the middle of June and 1st of July, 1859.

By same. Did Dr. S. E. Reed have any conversation with you about voting before the last August election ; and if so, what did he say ?

Answer. Dr. S. E. Reed did have a conversation with me and Mr. Winfrey a few days before the election in August last ; he said he lacked some two or three days of being in the precinct or county, (I do not recollect which,) to entitle him to vote.

And further this deponent saith not.

T. H. ROUSSAU.

Also the deposition of Samuel H. Jeffers, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, deposeth and says :

By Anderson's attorney. Are you acquainted with William Sharp ; do you know for whom he voted at the last August election in the race between Chrisman and Anderson, and in what county and what precinct he voted ?

Answer. I am acquainted with William sharp; he voted at the last August election here in the court-house, in precinct No. 1, and voted for James S. Chrisman.

By same. What do you know of the residence of William Sharp, at the time of the last August election and before, either of your own knowledge or from his statements ?

Answer. I know nothing of my own knowledge ; he told me on the day of the election that he was not going to vote ; he said he had better sense, he knew he was not a legal voter ; that he had been out of the county and raised a crop in Hart county ; he did not say what year he had raised a crop in Hart county ; he said he had not been in this county more than some two weeks or eight days before the August election.

And further this deponent saith not.

his
SAMUEL + JEFFERS.
mark.

Also the deposition of E. N. Tiller, taken at the same time and place, and for the purpose as stated in the foregoing deposition of J. G. Scholl. The deponent, being of lawful age, and first duly sworn, says :

By Anderson's attorney. Do you know Silas Collins ; do you know for whom he voted at the last August election in the race between Chrisman and Anderson ; and if so, in what county and precinct did he vote ?

Answer. I know him, but do not know who he voted for, or when he voted.

By same. Do you know anything of his moving to Missouri or Illinois some time since ; and if so when and where did he move from, and when did he return to Kentucky, and where to ?

Answer. I do not know where he went to ; he left here, I think, in September or October, 1858 ; he was at my house the day he said he was going to leave. I had bought his corn and paid him a portion of the price on that day and had paid him some before ; he told me that he has going to move to Missouri, and had before told me he was going to move to Missouri. After he returned to Kentucky, I think he told me he had been to Indiana and did not go to Missouri ; he went from Russell county when he moved away ; I think he returned to Russell county, Kentucky, in December, or first of January last.

By same. Has Silas Collins a family ; did he take his family with him when he went away from Russell county, and did he or not wind up his business before leaving Kentucky ?

Answer. He has a family, and I think he took them with him ; I think he wound up his business before he left ; he told me when I paid him that he was about through.

By same. Did he or not sell off all his property before moving from Kentucky, except what was necessary to take with him?

Answer. I think he did ; I do not think he had a great deal of property ; I do not think he had much stock.

And further this deponent saith not.

EDWARD N. TILLER.

Also the deposition of Elijah Coffey, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl ; the deponent, being of lawful age and first duly sworn, says :

By Anderson's attorney. Are you acquainted with Silas Collins ; do you know for whom he voted at the last August election in the race between Chrisman and Anderson ; and if so, do you know in what county and precinct he voted ?

Answer. I know him, but do not know where he voted, or who he voted for.

By same. Do you know anything about his moving back to Kentucky from some other State ; if so, when did he so move back ; and if he said anything to you on his return about where he had been, what was it ?

Answer. On my return home from Louisville in December last, I met Mr. Collins, with his father-in-law, Mr. Corbin, in Columbia, Adair county, Kentucky ; he informed me he had moved out to the State of Indiana, and was not pleased with the country, and was moving back to Kentucky.

And further this deponent saith not.

ELIJAH COFFEY.

Also the deposition of Thomas Collins, taken at the same time and place, and for the purpose as stated in the foregoing deposition of I. G. Scholl ; the deponent, being of lawful age and first duly sworn, deposeth and says :

By Mr. Anderson's attorney. Are you acquainted with William F. Collins ? What relation are you to him, and where has he resided for several years past ?

Answer. I am the father of William F. Collins ; he went to Missouri last October was two years ago ; he came back in the next August ; he went out on a visit to Missouri ; since his return he has lived the most of his time in Russell county, Kentucky, a part of the time in the Creelsburg precinct, and a part of the time in the Jamestown precinct.

By same. What precinct was he residing in at the time of the last August election, and how long had he resided there previous to said election ?

Answer. He was living in the Creelsburg precinct ; he went to his uncle Robert Blakeys, in that precinct, sometime in the winter before, and lived there until after the August election, and raised a crop there.

By same. Do you know James P. Miller, the present sheriff of Russell county, and in what house did he reside at the time of the last August election?

Answer. I know James P. Miller; he lived in some of the rooms of the house his father used to live in; I think there are some four rooms to the house, and I do not know which room he stays in.

By same. Is his father's house you speak of the one known as the "Adam Miller house;" and if so, how much of said house was built by his father, if any, and how much has since been built by Jas. P. Miller?

Answer. It is the Adam Miller house; who built the house I do not know; James P. Miller has repaired the house, and I think, may be, he built one room to the house.

By same. Were you acquainted with Adam Miller when he lived at that house; and do you know in what county Adam Miller claimed his residence?

Answer. I was acquainted with Adam Miller when he lived in that house; he claimed Adair county as his residence. And further this deponent saith not.

his
THOMAS + COLLINS.
mark.

Also the deposition of James Dunbar, jr., taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl; the deponent, being of lawful age and first duly sworn, deposeth and says:

By Mr. Anderson's attorney. Were you not an officer of the election at the last August election; if so, what capacity did you act in, and in what county and precinct?

Answer. I was an officer of the election at the last August election, and acted as sheriff at the Webb precinct, No. 5, in Russell county, Kentucky.

By same. Do you know Jackson D. Richardson, and did he present himself at the precinct in which you were an officer of the election to vote, and for whom did he vote; and did he vote at all in the race between James S. Chrisman and William C. Anderson, candidates for Congress?

Answer. I know Jackson D. Richardson; he presented himself to vote at the precinct where I was acting sberiff, and voted for Magoffin, Boyd, and Andrew James, and for Stephen A. Douglas for next President, and quit there; I think I asked him if he voted for Congress, and his reply was, he voted for Stephen A. Douglas for next President.

By same. Did or not Jackson D. Richardson have a printed ticket before him when he voted, with the names of all the democratic candidates upon it?

Answer. He did. And further this deponent saith not.

JAMES DUNBAR, JR.

Also the deposition of James E. Wilson, taken at the same time and place, and for the purpose as stated in the caption to the foregoing

deposition of I. G. Scholl ; the deponent, being of lawful age and first duly sworn, deposeth and says :

By Mr. Anderson's attorney. Do you know Stephen Wilson, jr.; what relation are you to him ; for whom did he vote at the last August election, in the race between Chrisman and Anderson for Congress ; and in what county and precinct did he vote ?

Answer. I know Stephen Wilson, jr.; I am his father ; he voted for Anderson at the last August election, in Russell county, Kentucky, and at the Webb precinct, No. 5.

By same. What was his age at the last August election ?

Answer. He was twenty-one years old the 25th of March last, before the election.

By same. Do you know Jackson D. Richardson ; were you present when he voted at the last August election ; in what county and precinct did he vote ; do you remember for whom he voted, and did he vote in the race between Chrisman and Anderson for Congress ?

Answer. I know Jackson D. Richardson ; I was present when he voted at the last August election ; he voted in Russell county at the Webb precinct, No. 5. I think he voted for Magoffin, and for lieutenant governor on the democratic ticket, and for Andrew James ; he did not vote for Congress in the race between Anderson and Chrisman.

By same. Do you or not remember whether the sheriff, at the precinct where Richardson voted, called upon him to know whether he voted in the race for Congress ; and do you remember his reply to the sheriff ; and do you know whether or not Richardson had a printed ticket before him when he voted with the names of the democratic candidates on it ?

Answer. The sheriff at the precinct, where he voted, did ask him if he voted for Congress ; he said he did not vote at all in that race ; he had a printed ticket in his hand when he voted, and cried his own vote, and said he voted for Stephen A. Douglas for next president.

And further this deponent saith not.

his
JAMES E. + WILSON.
mark.

Adjourned until half past eight o'clock to-morrow morning.

W. M. GREEN,
Presiding Judge of Russell County.

WEDNESDAY MORNING, *November 16, 1859.*

Met pursuant to adjournment of last evening, and resumed the taking of depositions.

The deposition of William H. Haynes, taken at the same time and place, and for the purpose as stated in the caption of the foregoing deposition of Isaac G. Scholl ; the deponent, being of lawful age and first duly sworn, says :

By Anderson's attorney. Are you acquainted with John Chilton ; in what precinct and county did he vote at the last August election, and for whom, in the race between W. C. Anderson and James S. Chrisman for Congress ?

Answer. I know John Chilton, he voted at the court-house in

Jamestown, Russell county, Kentucky, in precinct No. 1 ; voted for J. S. Chrisman for Congress.

By same. At what time of day did he present himself to vote ; how long after he presented himself was it before his vote was taken, and what means had you of knowing what time it was when he presented himself to vote?

Answer. He presented himself to vote at twenty minutes past seven o'clock in the evening. When he presented himself to vote they told him the polls were closed ; Anderson Rowe swore he should vote, and if they did not let him vote he would sue the last one of them. It was but a short time after he presented himself to vote before his vote was recorded—not exceeding two minutes I would suppose. On Sunday night the clerk of the election came to my house to stay all night ; asked me if I had a watch ; I had one ; we got an almanac and set my watch right at sundown ; on Monday morning of the election I could see the first rays of the sun as it was rising, and I examined my watch and found it was precisely right ; I have a good watch, I think.

Cross-examined by N. B. Stone, attorney for J. S. Chrisman.

Were you present at the polls when Chilton presented himself and demanded to have his vote recorded ?

Answer. I was at the window ; he was inside, and I was outside.

By same. How long was it after Chilton voted until it was announced at the court-house door that the polls were closed ?

Answer. It was but a short time afterwards.

By same. When do you call it sun up or sun down ?

Answer. When you see the sun rise or go down.

And further the deponent saith not.

WILLIAM H. HAYNES.

Also the deposition of Robert Blakey, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl ; the deponent, being of lawful age and first duly sworn, says :

By Anderson's attorney. Are you acquainted with Silas Collins ? Do you know for whom he voted at the last August election in the race between Anderson and Chrisman for Congress ; and in what county and precinct did he vote ?

Answer. I am tolerably well acquainted with him ; I have known him ever since he was a child ; I do not know which one he voted for, as to my own knowledge ; he voted at Creelsburg in Russell county ; I saw him go up to the polls and try to get the judges to scratch his vote off.

By same. Did the judges permit his name to be scratched off ?

Answer. They refused to let his vote be taken off.

By same. Do you know whether Silas Collins removed from the State of Kentucky at any time ; if so, when did he remove and where to ? And if you know anything of his moving back to Kentucky, state when it was and to what part of Kentucky he returned ?

Answer. I do not know of his moving of my own knowledge ; I did

not see him for some time before he started, and did not see him for some time after he returned back.

By same. Was he absent from the county and neighborhood, in which he previously lived, any time last year, or the year before ; and if so, how long ; had he a family, and was his family absent with him ; and did he or not sell off his property and wind up his business before such absence ?

Answer. He was absent from the county ; I think he left tolerably early in the fall of 1857, and was gone some two or three months ; he had a family and they were also absent with him ; I do not know whether he had sold his property and wound up his business or not ; he lived some four miles from me.

Cross-examined by James S. Chrisman's attorney.

State whether or not Silas Collins has or not lived in Russell county ever since his return, and all the time in the Creelsburg district, No. 5 ?

Answer. I think he has lived in the Creelsburg precinct all the time since he came back, and got a house to live in.

By same. State whether or not, at the time he went to the polls and asked to have his name stricken from the poll-book, he was or not asked by the judges if, when he left the State, he meant to move or not ; and state whether or not he did not answer on oath ; and if so, what was his answer ?

Answer. I did not hear what plea he laid in ; they did not swear him when he came up to get his name scratched off.

By Anderson's attorney. Are you acquainted with William F. Collins ? Do you know for whom he voted in the race between Chrisman and Anderson for Congress ; and in what county and precinct he voted ?

Answer. I am acquainted with William F. Collins ; he voted at Creelsburg, Russell county, Kentucky ; he voted for Anderson at the last August election.

By same. Do you know anything of his having gone to Missouri some time since ; if so, when was it, and for what purpose did he go, and how long was he absent ; where did he reside before going to Missouri, and where has he resided since his return ?

Answer. He went to Missouri in the fall of 1856 ; he went on to look at the country and to be running about ; he returned in August after he left ; he was to have been back in the next spring, but did not get back till August ; he resided at William Ripetoe's in Russell county, in the Creelsburg precinct, until the precinct was altered ; a part of his time, since his return, he has lived at John McDowit's, in Russell county, in the Jamestown district ; he came to my house, in the Creelsburg precinct, to live, on the Monday morning after the 25th of December last, and lived at my house, in the Creelsburg precinct, from that time until after the election in August last.

By same. Had he property anywhere in Kentucky, before going out to Missouri ; and if so, where and what was it ; and did he sell that property before going to Missouri ?

Answer. He had property in Kentucky before he went out to Missouri; it was at his father's, in the edge of Adair county; he had cattle and hogs; he did not sell them before he left; they remained there until he returned back.

Cross-examined by Chrisman's attorney.

Do you, of your own knowledge, know that he owned hogs and cattle which he did not dispose of before he went to Missouri?

Answer. I do; I had seen them lots of times.

By same. How far do you live from Collins' father's; and how many cattle and hogs did he leave at his father's?

Answer. I live about six miles; he had four head of cattle, and some ten or twelve hogs.

By Anderson's attorney. What relation are you to William F. Collins; and are you intimate with him and with his father's family?

Answer. W. F. Collins is my nephew; I am intimate with him and his father's family.

By same. Upon reflection are you able to state with more accuracy than you have done when Silas Collins returned to Kentucky?

Answer. It must have been in the winter or spring of 1859; he has just made one crop since his return.

By same. Are you acquainted with James P. Miller, the present sheriff of Russell county? Do you know for whom he voted at the last August election, in the race between Anderson and Chrisman, and in what county and precinct he voted?

Answer. I am acquainted with J. P. Miller; I saw him acting as sheriff at the Creelsburg precinct, Russell county, Kentucky, at the last August election?

By same. Do you know in what house he lived at the time of the last August election?

Answer. He lived in his father's old house, I think; his father's name was Adam Miller.

By same. State whether or not Adam Miller lived in the same house in the year 1825, and prior thereto.

Answer. Adam Miller lived in the same house in the year 1825, and before that time.

By same. If any changes have been made in the house Adam Miller lived in, in 1825, since that time, or any additions have been made to it since then, state what changes or additions they are.

Answer. Since 1825 Adam Miller built an el-room to the old buildings, with a petition or passage of about ten feet wide between—made, I think, for a place to eat in; James P. Miller has re-covered and weather-boarded the house since his father's death.

By same. On what side of the house is the el-room built by Adam Miller since 1825? on the side next to Russell, or on the side next to Adair county?

Answer. It is on the side next to Russell.

[N. B. Stone, attorney for Chrisman, objects to the testimony of R. Blakey.]

By same. How large is the house James P. Miller lived in last August ; and how many rooms are there in the house, including the one built since 1825 ?

Answer. I think there are two rooms that were built before 1825 ; they are about 18 feet by 20 ; the el-room, I think, about 16 by 18 ; I think there is another small room on the side next to Russell county that was used for weaving in, and probably to cook in ; I think that room is pretty much racked or torn away, or was when I last saw it, about two years since.

By same. How far do you live from the house James P. Miller lived in last August, and how long have you lived there ?

Answer I live about four miles from him, and have lived there since the fall of 1840 ; in 1825 I lived about three or four miles from where he now lives, at the place where F. S. Carter now lives, and have lived in the neighborhood ever since 1825 ; the furthest I have ever lived from there was at Creelsburg, about six miles. And further this deponent saith not.

R. BLAKEY.

Also the deposition of B. P. Polston, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl ; the deponent, being of lawful age and first duly sworn, says :

By Anderson's attorney. Are you acquainted with James Brummet ? Do you know in what county and precinct he voted at the last August election, and for whom in the race between Anderson and Chrisman for Congress ?

Answer. I am ; I raised him from about five years old ; he voted in Russell county, and at Jamestown ; I did not see him vote ; he said he voted there, and for Anderson.

By same. You say you raised him from about the time he was five years old. When did you take him to raise him, and how long did you have him with you from the time you took him, and until when ?

Answer. The best of my recollection is it was seventeen years last spring since I took him to raise ; he lived with me all the time after I first took him up to this fall.

Cross-examined by J. S. Chrisman's attorney.

State whether or not James Brummet is an illegitimate child, and give his mother's name.

Answer. I suppose he is ; his mother's name is Elizabeth Brummet.

By same. State whether or not his mother did or not prosecute a writ of bastardy against some person, charging him as the father of James Brummet ; and if so, state who the person so charged was.

Answer. It was said she swore him before Geo. Harris, in this county, to Dick Literal. I got him from Literal.

By Anderson's attorney. Do you know Jesse Wright ? Do you know for whom he voted at the last August election, and who for in the race between Anderson and Chrisman for Congress, and in what county and precinct ?

Answer. I know Jesse Wright; I do not know who he voted for, and do not know of my own knowledge what county or precinct he voted in.

By same. Do you know where he resided for the last two years prior to last August election?

Answer. I think he resided in this county for the last two years; if he ever left the county I never heard it, nor know anything about his leaving.

By same. In what precinct in Russell county was he living at the last August election, and how long had he been living there?

Answer. I think he moved to the Wilson precinct, which is the 4th, sometime in the spring before the election. So far as I know he was there until the election. Just before the election I heard him say he was going over to Wayne to see if his son was coming back, and if he was not he would go over to his son's, in Wayne, after the election.

Cross-examined by N. B. Stone, attorney for James S. Chrisman.

State whether or not the house Wright lived in before the election was sometime before, and at the election entirely unoccupied.

Answer. I think it was.

By same. When Wright left that house do you know where he went to?

Answer. I do not.

And further this deponent saith not.

B. P. POLSTON.

Also the deposition of Wm. S. Patterson, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl; the deponent, being of lawful age, and first duly sworn, says:

By Anderson's attorney. Are you acquainted with W. F. Patterson, and what relation are you to him?

Answer. I am; he is my son.

By same. In what county and precinct was he living at the time of the election, and how long had he been living in that county and precinct?

Answer. He moved from my house in Russell county the second week in May last, and took his family and such things as he intended to take; he moved to the county of Pulaski, to Samuel Owens', five miles from Somerset, first; he stayed there a short time, and then moved to Somerset, to J. W. Adams' tavern, and boarded himself and family until after the election in August last. My best impression is he went to Adams' the last of May or the first of June. My understanding is that Owens' and Adams' are all in the town or same district, as they told me.

By same. Did W. F. Patterson and his family's residence at your house cease at the time they moved to Pulaski, and from that time until after the election did they have any other residence or home, except at Owens' and Adams', in Pulaski county?

Answer. W. F. Patterson's residence at my house ceased when he

left in May, and neither he nor his wife has been there since ; he had no home or residence between that time and the election, except at Owens' and Adams', in Pulaski county.

Cross-examined by N. B. Stone, attorney for James S. Chrisman.

You have stated that Wm. F. Patterson and family commenced boarding at Adams' about the last of May or first part of June ; now state whether or not Wm. F. Patterson's family, wife, &c., had or not been living in Russell county up to that time.

Answer. I think not ; my best impression is they left here the second week in May.

By same. When Wm. F. Patterson left Russell county in May did he or not leave permanently, or merely go to Pulaski county to make a survey ?

Answer. He left for good, saying unless it was under peculiar circumstances, he never expected to put his foot in Russell again.

By same. Had Wm. F. Patterson made any arrangements for locating or settling in Pulaski county when he left in May ?

Answer. I cannot say as to that. He said he was going to Owens', Baites', or Gogins' to board. These farms all join.

By same. Did Wm. F. Patterson say to you that he intended to leave the State rather than return to Russell ?

Answer. I never heard him say anything as to that.

By same. Did he or not say to you that he was going only to board temporarily with Owens, Baites, or Gogins ?

Answer. He did not.

By same. Who and what for was he going to make a survey ?

Answer. Under an order of court, or, as it was agreed by the parties, Owens, Owsley, and Wright.

By same. Did he have any property or plunder in Russell county when he went to Owens' to board ?

Answer. He had a few tools that he could not take along, or that were forgotten, and I sent them to him afterwards.

By same. Did he leave any property in Russell county besides the tools ; if so, what was it ?

[The judge decided that this question was not pertinent.]

By same. Where did he leave his property, or did he carry it with him ?

Answer. All of it.

By same. Did Wm. F. Patterson locate himself permanently at Owens' when he went there to board ?

Answer. It was his permanent residence until he got some other place to go to. He boarded there and lived there until after the election.

By same. Did Wm. F. Patterson or not tell you that he was going to board with Owens only while he was making the survey ?

Answer. He did not say.

And further this deponent saith not.

WILL. S. PATTERSON.

Also the deposition of G. T. Isbell, taken at the same time and place, and for the purpose as stated in the caption to the foregoing deposition of I. G. Scholl; the deponent, being of lawful age, and first duly sworn, deposeth and saith:

By Mr. Anderson's attorney. Are you acquainted with S. E. Reed? Do you know anything of his having ever resided in the State of Tennessee; if so, when? and did you or not ever hear him make any statement as to the time he had been in the State of Kentucky prior to the last August election; if so, what was that statement?

Answer. I am acquainted with Dr. S. E. Reed. I knew him in Tennessee in 1857. I left there in May, 1857, and he was then residing there. I heard him say he lacked two days of being in this State two years at the last August election.

And further this deponent saith not.

G. T. ISBELL.

Also the deposition of George Bryan, taken at the same time and place, and for the same purpose as stated in the caption to the foregoing deposition of I. G. Scholl; the deponent, being duly sworn, says:

By Mr. Anderson's attorney. Are you the clerk of the county court of Russell county, Kentucky; and by virtue of your office have you charge of the poll-books of said county?

Answer. I am clerk of the Russell county court, and have charge of the poll-books of the county by virtue of my office.

By same. Was the name of the clerk of the election signed to the third page of poll-book kept in precinct No. 5 at the last election? Was there any such signature there when the poll-books were opened for comparison, and is there any now?

Answer. The clerk's name does not appear to have been signed at the foot of page 3 of the poll-book in district No. 5 in this, Russell, county, Kentucky. His name was not signed to the page when the poll-books were opened for comparison, and is not now signed to that page.

By same. Please examine said page No. 3 on said poll-book, and state how many votes appear on that page purporting to have been cast for Jas. S. Chrisman and how many for W. C. Anderson at the last August election.

Answer. I have the poll-book before me, and have made the examination, and upon careful addition find there is on that page eighteen votes given for Chrisman and nine votes for Anderson.

By same. Were the votes purporting to have been cast on said page of said poll-book included in the summing up of the votes on that poll-book, and do they constitute a part of the aggregate vote certified by the board of canvassers of Russell county to the board at Frankfort to have been cast in Russell county, Kentucky, at the last August election, and are you a member of the board of canvassers of Russell county, Kentucky?

Answer. They were included in the casting up the vote of that poll-book, and they constitute a part of the aggregate vote certified by

the board of examiners of poll-books of Russell county, Kentucky, to the board at Frankfort, and I am a member of the Russell county board of examiners of the poll-books. And further this deponent saith not.

GEORGE BRYAN.

STATE OF KENTUCKY, *Russell County*, ss :

I, William M. Green, presiding judge of the Russell county court, do hereby certify that the foregoing 57 pages, containing the depositions of I. G. Scholl, Elias Dunbar, H. Campbell, Archibald Satterfield, S. H. Satterfield, Allen Grider, Emerson McFall, S. L. Wood, Clayton Ellis, Lewis Sharp, L. H. Rousseau, Samuel Jeffery, E. N. Tiller, E. Coffey, Thos. Collins, Jas. Dunbar, jr., James E. Wilson, W. H. Haynes, Robert Blakey, B. P. Polston, W. S. Patterson, G. T. Isbell, and George Bryan, were, on the 15th and 16th days of November, 1859, taken before me at the court-house in Jamestown, Russell county, and State of Kentucky, and for the purposes as stated in the caption to the deposition of Isaac G. Scholl; that the witnesses were each sworn before they gave their testimony; that the testimony of each witness was written down by me in the witness' presence, read over to him by me before signed, and each witness' testimony was signed by him in my presence. W. C. Anderson and J. S. Chrisman, by their attorneys, were present at the taking of the depositions. The depositions of L. H. Rousseau, Samuel Jeffery, E. N. Tiller, E. Coffey, Thos. Collins, James Dunbar, jr., and James E. Wilson, were taken after night, and by candle-light. N. B. Stone, attorney for Mr. Chrisman, objected to the taking of their testimony, and although present all or the greater portion of the time, refused to cross-examine.

Given under my hand this 16th day of November. 1859.

W. M. GREEN, *P. J. R. C.*

N. B. Stone, attorney for J. S. Chrisman, also objected to the taking of the deposition of L. H. Rousseau, because he stated he had made a small bet or wager on the election: he also objects to the depositions of G. T. Isbell, Robert Blakey, Thos. Collins, E. N. Tiller, E. McFall, S. H. Satterfield, and A. Satterfield.

W. M. GREEN, *P. J. R. C.*

Expense of taking depositions.

Subpœna.....	\$0 20
Judge's fee for 2 days, at \$3 per day.....	6 00
27 witness certificates, at 25 cents each.....	6 75
Constable for summoning witnesses.....	7 00
34 days' attendance of witnesses, at 75 cents per day.....	25 50
439 miles' travel for witnesses, at 5 cents per mile.....	21 95
	<hr/>
	67 40
	<hr/>

W. M. GREEN, *P. J. R. C.*

WILLIAM C. ANDERSON :

SIR: You are notified I will appear before the House of Representatives of the Congress of the United States, at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district, for the State of Kentucky, on the 1st day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people qualified to vote, to said office. Your right will be contested on the following grounds:

1. A majority of the votes polled at said election between us were for me, and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board, duly transmitted to the State board, the latter in their canvass and estimate of the votes of said district, in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been *seven* votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were by fraud or mistake of the officers of the election recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters, who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting, when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote *twice* for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased, and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit:

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth, and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted when his vote was cast.

William Gibson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as above last stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

William Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

A. L. McGee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodesmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to, and confined in the Kentucky penitentiary for larceny, by the judgment

of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not 21 years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not 21 years of age, and not a resident of the State, county, or precinct in which he voted for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not 21 years old when he voted.

Thomas Roy—Because he was not 21 years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not 21 years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stevenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not 21 years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named, and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not 21 years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not 21 years of age when he voted.

T. W. Lukins *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me, but by mistake of the clerk his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me:

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason, he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not 21 years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted for the time required by law.

Lee Yager—Because of the same reason last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergast, Nat Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books, and all the votes recorded at the Ireland precinct, in the county of Taylor, because the officers of said election, who conducted and held the same, nor either of them, were sworn according to law, nor was the said poll-book certified by the officers, as required by law.

I shall also object to and insist upon rejecting the poll-book, and all the votes given at the 7th district, in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, *to wit*:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above named subscriber before me, clerk of the Boyle county court, this 20th of September, 1859.

JAS. F. ZIMMERMAN, *C. B. C. C.*

JAMES S. CHRISMAN:

SIR: I have received a paper from you, purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I

shall object to the said notice, and ask for its quashal upon the following grounds :

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows : The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered, as required by the law entitled "election," Revised Statutes of the State of Kentucky, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes ; and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners for Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to reassemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time. They were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake to my prejudice of four votes was discovered on the poll-books of Boyle county, and an amended return stating this fact was transmitted by the county board of Boyle to the State board at Frankfort, and when this fact was made public in the district that such an amended return had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie, and by the laws of Kentucky in such cases the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland county, you shifted positions and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of state, and attorney general of Kentucky. I do not know and I do not admit that the mistake that

you complain of occurred. It may be true, according to the books as they *now* stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as having voted for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each.

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county, because he lived in the county of Russell.

2. R. M. Barnard—who voted at the same district, in the same county, because he had not been in the State, county, or precinct for the time required by law.

3. George Simpson—who voted in the same district, in the same county, for the same reasons as above.

4. Ben. F. Allan—who voted at the Neatsville district, in Adair county, because he was a resident of and lived in the White Oak district.

5. Milton Polly—who voted at White Oak precinct, in Adair county, because he lived in the Harmony district.

6. Elijah Leach—who voted at the same district, in the same county, because he was not a resident of said precinct for the time required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county, because he lived at the time at Haysville, in Marion county.

8. Wm. P. Royse—who voted at the same district, in the same county, for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in same county, because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the same district, in the same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in same county, because he was not twenty-one years of age.

12. James Jones—who voted at Neatsville district, in same county, for the same reason as above.

13. Jonathan McElroy—who voted at the Harmony district, in same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

14. George D. Redmon—who voted at the White Oak district, in same county, because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at White Oak district, in Adair county, because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district, in same county.

16. J. N. Vaughn—who voted at the same place, in same county, for the reason as above.

17. Samuel Vier—who voted at Columbia district, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and for the same reason.

19. Joshua Prewett—who voted at the White Oak district, in Adair county, because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county, because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville district, in same county, because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in same county, because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at the same place as above, and because of the same reason as above.

24. Morgan Simpson *alias* R. W. Simpson—who voted at Neatsville, in same county, because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbot, jr.—who voted at precinct No. 4, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Chas. Voss—who voted at the same district, in same county, for the same reason as last above stated.

4. William Crow—who voted at district No. 3, Boyle county, for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted in district No. 2, in Boyle county, because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county, because of the same reason as last above named.

11. Samuel Goode—who voted at district No. 1, of Boyle county, because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county, because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county, because of the same reasons as last above named.

14. William Staley—who voted at same place, because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neil—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place, because of same reason as last above named.

19. Henson Gee—who voted in district No. 1, in Boyle county, because he is an idiot.

1. James F. Alstott *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county, because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named, because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county, because of the same reason as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county, because he was not twenty-one years of age.

6. J. H. Bryant—who voted at the Rolling Fork precinct, in Casey county, because he was indicted, sentenced, and convicted to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tates district, in Casey county, because he was not a resident of said district for the time required by law. He was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at Rolling Fork precinct, in Casey county, because he had before the election removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county, because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, of Clinton county, because he resided in district No. 4, of said county.

3. John Semans—who voted in district No. 3, of Clinton county, because he was under twenty-one years of age.

4. John Hughes—who voted at district No. 2, of Clinton county, because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, of same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, of Clinton county, because he lived at the time in district No. 3, of said county.

7. S. J. Vance—who voted in district No. 5, in Clinton county, because he lived at the time in district No. 4, of said county.

8. Joshua Birdwell—who voted in district No. 2, of Clinton county, because he lived in district No. 1, of said county.

9. George Wilkerson—who voted in district No. 2, of Clinton county, because he was a foreigner and not a citizen of the United States.

10. Jno. Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, of Clinton county, because he lived at the time in the Hays district, of said county.

12. James Hail—who voted in district No. 3, of Clinton county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, in Clinton county, because he is *non compos mentis*, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, in Clinton county, because he is a foreigner and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, in Cumberland county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for the same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons last above named, and because he lived at the time in the Elliott district of said county.

7. Jno. Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulson—who voted at Kettle Creek precinct, in Cumberland county, because of the same reasons as last above named.

9. Jacob Dalworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, in Cumberland county, because he resided at the time in Adair county.

11. John Cooksey—who voted at same place, because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, in Cumberland county, because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, in Cumberland county, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, in Cumberland county, because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, in same county, because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider, or Crider—who voted at the Elliott district, in Cumberland county, because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, in Lincoln county, because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at the same place as last above named, because he was at the time a resident of Walnut Flat district.

4. J. Waterhouse—who voted at same place as last above named, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, in Lincoln county, because of the same reasons as last above named.

6. Wiley Davis—who voted at the same place, because of the same reasons above last named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county, because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Lyton—who voted at Waynesburg, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at the same place, and because of the same reasons as last above named.

10. Zach. Cash—who voted at the same place, and because of the same reasons as last above named.

11. Levi Cotten—who voted at Turnersville precinct, in Lincoln county, because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county, because he was a foreigner and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Shenan or Shenadow—who voted at the same precinct as last above named, and because he was not 21 years of age.

14. Charles McWilliams—who voted at the same precinct as last

above named, because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at the Crab Orchard precinct, in Lincoln county, because he was not 21 years of age.

Jesse Hoythe—who voted at Waynesburg, in Lincoln county, because he had before the election removed to Rockcastle, and was not a resident of the precinct in which he voted.

1. L. E. Reed—who voted at Creelsborough district, in Russell county, because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at the same place, because of the same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county, because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown, Russell county, because he was not at the time a resident of said precinct.

6. Elijah Lowe—who voted at the Wolf Creek precinct, in Russell county, because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell, because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county, because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825 makes the house in which said Miller resides in Adair county; pages 40 and 41.

9. Allen Rytte—who voted at Creelsboro', in Russell county, because he was at the time a resident of Clinton county.

1. William Redding—who voted at Salem precinct, in Taylor county, because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.,—who voted at the same place, and for the same reasons (first) last above named.

3. James H. Ratliff—who voted at Little Pinchem district, in Taylor county, because of the same reasons last above named.

4. Frank Rhodes—who voted at the Newsville district, in Taylor county, because he was not twenty-one years of age.

5. Marian Peterson—who voted at the Campbellsville district, in Taylor county, because he was not a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county, because of the same reasons as last above named.

7. Henry Sheffner—who voted at same place as last above named, because he was not twenty-one years of age.

I deny that William Davis, and Jackson D. Richardson, and William R. Cumbess, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerk of election at the district in which Wiley Turner voted erased his name and vote without just reasons.

I deny that the judges without good reasons refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, George W. Crane, and Samuel Leffew, are recorded for me; but they voted for and are recorded for you. The vote of Nelson Pendergraft is recorded for me, and I state that he so voted, and his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you; I state that he voted for me at the polls, and was so recorded.

I deny that the poll-books of the Ireland precinct, in Taylor county, are improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was illegally and improperly certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood: Anderson, 49; Chrisman, 95. I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified according to law. At said precinct the vote stood Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book and votes thereon recorded, of the Whetstone precinct, in Cumberland county, because the same was not certified as required by law. I shall also object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Mansville district in Taylor, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books and the votes thereon recorded, of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law, and also because the said poll-books were in your possession, and inspected by you and your political friends before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed up and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday (by your democratic friends) next after the election, and before the comparison.

I shall also insist upon counting in my favor the following votes, which were cast for me, and were omitted to be recorded by the clerk:

Richard Pendergraft—who voted at district No. 1, in Boyle county.
Henson Pendergraft—who voted at the same place.

David Wells—who voted at the Burksville precinct, in Cumberland county.

Bethel, *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for W. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress. His name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall also insist upon striking from your poll and adding to my own the vote of J. T. Reynolds, who voted in district No. 3, in Boyle county. He voted for me, and his vote was, by mistake of the clerk, recorded for you.

James Jones—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

Cyrus Todd—who voted at the White Oak precinct, in Adair county; he voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall also insist upon striking from your poll the vote of Samuel M. Baker, who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Palston, Ben Austin, J. C. Williams, J. C. Cundiff, W. L. Baldock, W. J. Jones, Bird Russell, J. Abb-shear, all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

I shall also insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of the election :

Charles B. Kirkland—who offered to vote at precinct No. 1, Boyle county.

B. W. Moss—who offered to vote in precinct No. 2, in Boyle county.

Isaac F. Kees—who offered to vote at Greensburg, in Greene county.

I shall also insist on excluding the votes of the following named persons who were permitted to vote after the time fixed by law for closing the polls :

Frank Dulany—who voted at the Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shilton, *alias* Chilton—who voted at the Jamestown precinct, in Russell county.

I shall also insist upon adding to my poll the votes of the following named persons who voted for me, and were so recorded, and their votes stricken from the books by the judges of the election after said voters had left the polls, and were not recalled, and without their consent or approbation :

Archibald Lindville—who voted at district No. 4, in Clinton county.

Jesse Lindville—who voted in district No. 1, in Clinton county.

W. A. Ellis—who voted in district No. 4, same county.

I shall insist upon rejecting the 3d page of poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk, as required by law. On that page the vote stood: Chrisman, 18; Anderson, 9.

I shall also insist on striking from your poll the vote of W. R. Bowman, *alias* William Bowman, who voted in district No. 2, in Boyle county, because said Bowman gave no vote in the congressional race, and, by mistake of the clerk, his vote has been recorded for you.

I shall also insist upon striking from your poll the vote of George R. Vaught, who voted at the Somerset district, in Pulaski county, because the vote of said Vaught was recorded by the clerk for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics, when, by the laws of Kentucky, there should have been an equal division of the officers, if they could have been found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge, Greenup Meece, sheriff, and Willis J. Stogsdill, clerk, of said district, are all democrats, and agree with you in politics, and held the election at said district; and at the district the vote stood: Chrisman, 68; Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake—and I deny that such a mistake was made—I shall claim that the whole vote of Kettle Creek precinct be rejected, because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hugues, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was only 486, and so counted in the returns.

In the account sent to Frankfort from Adair county the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may and actually do make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you had been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason why you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if

Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; and, even if defeated in Congress, you would get the mileage and compensation anyhow.

4. Daniel Sullivan, sr.—who voted at the Greensburg district, Greene county, because he was not a resident of the State, county, and district the time required by law.

5. Seldon Renfro—who voted at district No. 5, in Greene county, because of the same reasons as last above named.

6. Thomas Elmore—who voted at district No. 4, in Greene county, because he was not 21 years of age.

1. John Ping—who voted at the Dallas district, in Pulaski county, because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county, because he was not twenty-one years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

4. David Sadler—who voted at the Harrison district, in Pulaski county, because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county, because he was not twenty-one years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, for felony in Whitley county, and served his time out therein, and was thereby by law disfranchised.

7. Eli Dykes, jr—who voted at the Somerset district, in Pulaski county, because he was a resident of the Bent district, Pulaski county, at the time of said election.

8. John L. Logan—who voted at the Harrison district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

9. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

10. Wesley Neal—who voted at the Buncombe district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

11. Norris Williams—who voted at the Bent district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

12. Washington Reynolds—who voted at the Bent district, in Pulaski county, because of the same reasons as last above stated.

13. James Parton—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

14. John Elder—who voted at the same district, for the same reasons above.

15. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county, because he was a foreigner, and not a citizen of the United States.

16. Thomas Jenkins—who voted at the same district, and for the same reasons as above.

17. Henderson Angell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

18. Patrick Doyle—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

19. Samuel Hansard—who voted at the same district, because there is no such voter living in said district.

20. John Davis—who voted at the Somerset district, Pulaski county, because he was not twenty-one years of age.

21. William Burton, son of Benjamin Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

22. Dunny Lustre, son of Jessie Lustre—who voted at the same district, and for the same reason.

23. J. J. Smiley—who voted at the Grundy district, Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

24. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not twenty-one years of age.

25. Joseph Keith—who voted at the same district, and for the same reason.

26. Daniel Chitwood—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

27. Jonathan Abbott—who voted at the same district, and for the same reason.

28. John Brown—who voted at the same district, and for the same reason.

29. Elijah Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county, because he was not twenty-one years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county, because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr—who voted in the same district last named, because he was not a resident of the State, county, or precinct for the time required by law.

1. George W. St. Johns—who voted at the district No. 1, Wayne county, because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county, because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place, because he has

not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district, because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Graer—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district, because he was not a resident of the county or district for the time required by law.

9. E. F. Wallen—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

11. Andrew Henny—who voted at the same district, because he is not twenty-one years of age.

12. John Chriswell—who voted at the same district, because he was not a resident of the county or district for the time required by law; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district, because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district, because he is not twenty-one years of age.

15. Charles Orman—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

16. Geo. Smith—who voted at the same district, because he is not twenty-one years of age.

17. Wm. Terry—who voted at the same district, because he was not a resident; in fact, he was a resident of Russell county at the time of the election.

18. Geo. Arthur—who voted at the same district, because after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs district, Wayne county, because there is no such a voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county, because he was not resident of the county, State, or district for the time required by law; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory; and, further, because he is not entitled to vote in Kentucky, or anywhere else, he being under twenty-one years of age.

21. Thos. Rutherford—who voted at the same district, because he is not twenty-one years of age.

22. Marion Stevenson—who voted at the same district, because he is not a resident of the county or district for the time required by law.

23. Thos. Mus—who voted at the same district, for the reason last above named.

24. Wm. Scantland—who voted at the same district, because he is not twenty-one years of age.

25. Samuel Pennington—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

26. Jno. Fredricks—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

27. James Daws—who voted at the same district, because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district, because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchison—who voted at the same district, because he is not twenty-one years of age.

31. Wm. Weaver—who voted at the same district, because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you, when he first cast his vote for other democratic candidates for the various offices of the State, &c.

32. Thomas Simpson—who voted in Mill Springs district, because he is under twenty-one years of age.

33. George Payn—who voted at the same district, because he is an idiot.

34. F. M. Marcum—who voted at the same district, because after he had recorded his vote for me, and had left the polls, his name was erased from the poll-book, so far as his having voted for me.

35. William Foster, jr.—who voted in Mill Springs district, because he is under age, and not a resident of the district, as required by law.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county, because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district, because he was not 21 years of age.

38. Wm. Rule—who voted at the same district, for the same reason last stated.

39. Shelby Denny—who voted at the same district, for the same reason last stated.

40. Wm. Carter—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district, because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

43. Wm. Sloan, jr.—who voted at the same place, because of the reasons above named.

44. Berry Shoat—who voted at the same place, because of the reasons above named.

45. Andrew Hail—who voted at the South Fork district, in Wayne county, because he was not 21 years of age.

46. Granville Spradlen—who voted at the same place, because he was not 21 years of age.

47. William Breuster—who voted at the same place, because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place. He only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbssville, because he was not a resident for the time required by law.

50. William King—who voted at the same place, because he was not 21 years of age.

51. James Davis—who voted at the same place, and because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place, because of reasons last above named.

53. Hiram Troxdall—who voted at the same place, because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county, because he was not 21 years of age.

55. Granville Shoat—who voted at the same place, because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county, because he was not a resident for the time required by law.

57. Isaac Mason—who voted at the same place, because he is not a legal voter.

58. Stephen Loveall—who voted at the same place, because he is under 21 years of age.

59. Gideon Loveall—who voted at the same place, because he is not a legal voter.

60. Christopher Jones—who voted at the same place, because he is not 21 years of age.

61. John Henry—who voted at Mullenton, because he was not a resident of the county, State, or district the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice; if so, I hereby deny them; but I do admit that Abraham Mounce, whose vote you challenged, as I suppose, was not a legal voter; for, if you will examine the poll-books, you will find that the said Mounce voted for you, and is so recorded and counted.

You have also challenged the vote of James Low. The said Jimmy voted for you, and is so recorded, and the same is illegal; and I therefore admit that, as he voted for you, his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested ; but I expect to prove, and will prove, before said Congress that I am honestly, fairly, and legally elected to that position ; and I will state, that in the discharge of the high duty as the representative from the fourth congressional district of Kentucky, I will endeavor to so act as to meet with the confidence and respect of my constituents. The war-worn veteran ; the children of the country ; the widow ; the orphan ; shall, as far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Commonwealth of Kentucky to any constable or sheriff of Wayne county :

You are commanded to summon Amanda Kennet, M. Stephens, Lydia Henry, Thomas Lair, William Lair, W. C. Turner, William H. Dugger, and Joseph Sumpter, to appear at the court-house in the town of Monticello, Wayne county, on the 5th day of December next, to give their depositions to be used as evidence before the House of Representatives of the next Congress of the United States in a contested election, wherein James S. Chrisman contests the right of W. C. Anderson to a seat in said body ; herein they will fail not, and you return this writ.

Given under my hand this 16th day of November, 1859.

G. W. MILLS,
Presiding Judge, Wayne County Court.

Executed November 17, 1859, on William H. Dugger, W. C. Turner, Joseph Sumpter, Thomas Lair, Amanda Kennet and William Lair ; Lydia Henry not to be found.

A. M. SHEPPERD,
Clerk of Wayne County Court.

DECEMBER 2, 1859.

The Commonwealth of Kentucky to the sheriff of Wayne County :

You are commanded to summon Anderson Epperson, L. A. Lanier, John Morris, Nancy Hutchison, William L. Sampson, and R. M. Tate, to appear before me at the court-house in Monticello, on the 5th day of December next ; also summon A. R. West, William Brown, Wiley Johnson, Alin Jones, James Hutchison, H. Johnson, James R. Brown, L. D. Hutchison, Jerry Sloan, jr., Wash. Jones, James R. Dodson, Newton Powell, J. R. Dick, Thomas Powell, Jack Demy, James G. Dick, Eli Cowell, Dudley Massengal, Peggy Magee, John Mixon, Edmond Butler, William Vaughn, W. A. Low, P. Garner, Josiah Dodson, and Dick Cooper, to appear before me at the

court-house in Monticello, Wayne county, on the 6th day of December next, to give their depositions to be read as evidence before the House of Representatives of the next Congress of the United States in a contested election, wherein James S. Chrisman contests the right of W. C. Anderson to a seat in said body. Herein they will fail not.

Given under my hand this 16th day of November, 1859.

G. W. MILLS,
Presiding Judge, Wayne County Court.

Also summon Rolly Droxon, William Magee, David Rankin, G. P. Dick, Isaac Powell, sr., H. R. New, Reuben Demy, and John Demy.

G. W. MILLS,
Presiding Judge, Wayne County Court.

Executed in full, with the exception of W. A. Low, Dudley Mas-sengal, and Paul Garner, December 2, 1859.

F. BATES,
Sheriff, Wayne County.

Commonwealth of Kentucky to any constable or sheriff of Wayne county :

You are commanded to summon Miles Gregory, John Lewallen, Jerry Burnet, Benjamin Burk, jr., Benjamin Hill, William Dobbs, Peter Phipps, Jacob Troxell, sr., Thomas Ryan, William Ryan, Ambrose Spralding, Timothy Blevins, Benjamin Atkins, James Dobbs, Calvin Atkins, Shadrack Blevins, James Hurt, jr., James Dolin, Calvin Hurt, James Gibson, George Gibson, David Sowders, Henly Blevins, Thomas Boyd, Armstead Blevins, Talton Blevins, Granville Boyd, Sarah Boyd, and W. C. Hoy, to appear before the undersigned, at the court-house in Monticello, Wayne county, on the 2d day of December next, to give their depositions to be used as evidence before the House of Representatives of the next Congress of the United States, wherein James S. Chrisman contests the right of W. C. Andersen to a seat in said body. Herein they will fail not.

Given under my hand, as presiding judge of Wayne county court, this 16th day of November, 1859.

G. W. MILLS,
Presiding Judge, Wayne County Court.

Executed in full, with the exception of Thomas Boyd, Henly Blevins, Armstead Blevins, John Lewallen, Shadrack Blevins, W. C. Hoy, and Talton Blevins.

A. B. SLAVEN,
Sheriff, Wayne County.

Commonwealth of Kentucky to the sheriff of Wayne county :

You are commanded to summon John B. Ingram, Ezekiel Smith, J. V. Warden, M. D. Hordin, Isaac Cecil, J. B. Berry, B. W. Duncan, E. L. Van Winkle, Jane Burnett, to attend at the court-house, in Monticello, on 2d December next ; also summon Thomas Hancock, John Low, Riley Hix, Solomon Cecil, Corydon Frost, John Sloan, sr., Wm. Guffey, Bradcut Guffey, Nelson Davis, J. T. Wilhite, Martin Canody, Levi Canody, Daniel Powers, Jerry Sloan, jr., Riley Chasteen, Patsey Jane Thurston, Bartley Thurston, R. C. McBeath, Polly Russell, James Lawson, John L. Satler, J. E. Vickory, Bartley Lawson, John Feuston, F. M. Goddard, F. M. Goddard, George Sumpter, Sally Horton, Henry Tuggle, to attend at the same place, on the 3d day of December next ; also summon William Monroe Massengal, Mathew Massengal, David Low, Polly Hughes, Nancy Massengal, James Coyle, Nathaniel Hill, Celia Brewster, Isaac Hill, Susan Hill, Jane Hill, Jno. Criswell, L. G. Sumpter, and Belfrey Woods, to attend the same place, on the 5th day of December next, to give their depositions to be used as evidence before the House of Representatives of the next Congress of the United States, in a contested election, wherein J. S. Chrisman contests the right of W. C. Anderson to a seat in said Congress.

Given under my hand this 16th November, 1859.

G. W. MILLS,
Presiding Judge, Wayne County Court.

Executed in full, except John L. Satler, Levi Kennedy, Jane Burnett, and Henry Tuggle.

F. BATES, *Sheriff, Wayne County,*
By L. P. BAKER, *Deputy Sheriff.*

JAMES S. CHRISMAN, ESQ. :

You are notified that at the court-house in Monticello, Wayne county, Kentucky, before G. W. Mills, presiding judge of the Wayne county court, on the 6th day of December, 1859, I will take the depositions of Wm. Magee, Elisha Morris, W. C. Hoy and James Hurt, jr., all of whom reside in Wayne county, Kentucky ; said depositions to be used as evidence before the House of Representatives of the next Congress of the United States, in a case of contested election, wherein you contest my right to a seat in that body, as the member from the 4th congressional district of Kentucky.

W. C. ANDERSON.

NOVEMBER 26, 1859.

Executed on James S. Chrisman, by leaving a true copy at the usual place of abode of said Chrisman, on the 26th day of November, 1859.

F. BATES, *Sheriff, Wayne County.*

JAMES S. CHRISMAN :

You are notified that at the court-house in Monticello, Wayne county, Kentucky, on the 2d, 3d, 5th, and 6th days of December, 1859, before George W. Mills, presiding judge of the Wayne county court, I shall, in addition to the depositions of witnesses which I have heretofore notified you I would take, proceed to take the depositions of Rolly Dodson, Thomas Gann, jun., (son of James Gann,) William W. Burton, Isaac Powell, David Rankin, and Robert Rankin, sen., all of whom reside in Wayne county, Kentucky. I will also, at same time and place, and before the same officer, take the depositions of Isaac Cecil, who resides in Scott county, Tennessee, and Reuben Demy and John Demy, who reside in Pulaski county, Kentucky, all of which depositions are to be read as evidence before the House of Representatives of the next Congress of the United States, in a contested election, wherein you contest my right to a seat in that body as the member from the fourth congressional district of Kentucky.

W. C. ANDERSON.

NOVEMBER 18, 1859.

Executed on James S. Chrisman, by delivering him a true copy of this notice, on the 19th day of November, 1859.

F. BATES,
Sheriff of Wayne County.

JAMES S. CHRISMAN :

And I will, at the court-house in the town of Monticello, Wayne county, Kentucky, on the 2d day of December, 1859, before G. W. Mills, presiding judge of the county court of said county, take the depositions of C. H. Buster, William Simpson, B. E. Roberts, John S. Van Winkle, John B. Ingram, Ezekiel Smith, C. A. Cox, Thomas Lair, Frank Lair, John Kennet, William Lair, G. W. Twiford, James Gann, James Meadows, W. C. Turner, J. V. Warder, M. D. Harden, B. W. Duncan, M. Stephens, A. M. Shepperd, Miles Gregory, John W. Tuttle, Solomon Cecil, Nelly Cecil, Miss Jane Low, Allen Butler, William Dugger, George W. Twiford, M. Stephens, John Kennett, Mrs. Henry, George W. Ingram, James Ingram, David Walter, Daniel P. Wright, A. H. Duvall, Felem Bates, P. Baker, J. T. Wilhite, John Carter, Evan Thomas, Harrison Brascomb, W. H. Berry, Jenny Smith, Joseph Castills, Wilson Terry, Louis Stephenson, James B. Berry, James M. Hutchinson, John Morris, A. R. West, L. A. Lannier, James West, William Brown, James R. Brown, H. L. Carrigan, Wiley Johnson, James Denny, of Pulaski county, Kentucky; Mrs. Nancy Hutchinson, Robert M. Tate, H. Brown, A. H. Daugherty, Alvin Jones, Hock Johnson, John Stockton, William Guffey, Daniel Powers, Thomas Hancock, Jesse Hancock, John Low, John Hatfield, James Carter, Henry Denny, Stewart Ingram, William Crouch, of Fentress county, Tennessee; John Dishman, T. Morgan, Randall

Morgan, ——— Frost, Martin Kennedy, John Heils, Jerry Sloan, Daniel Powers, Perry Hill, Mr. Lewaston, John Steele, Lewis Burnett, David Spradlin, Andrew Slavey, Ed. Young, W. Ryan, Tom. Ryan, Miles Gregory, Jacob Sandusky, Tom. Hurt, Peter Phipps, David Bell, Henly Blevins, Aminta Blevins, Tim. Blevins, William Carson, Mrs. Milly King, Ben. Bush, James Dolan, William Dobbs, John Dobbs, Jacob Truxdall, sen., Thomas Boyd, Riley Shasteen, Hiram T. Hall, Bartly Thurston, Preston Birch, C. L. Higginbotham, Tim. Short, Nathaniel Hicks, James Clark, Bradcut Guffey, B. W. Huffaher, Coridon Frost, Robert McBath, Robert Rankin, John H. Phillips, Rans. Hutchinson, Decher Russell, John Black, Washington Jones, Newton Powell, John R. Dick, Tim. Powell, Matthew Denny, Jack Denny, James Dick, G. P. Dick, Eli Correll, Gordon Cordon, E. L. Van Winkle, Mrs. Stephen Loverall, Mrs. William McGee, Mrs. Nancy Kidd, Newton Powell, Dr. C. A. Cox, Mrs. William Russell, James Lawson, B. Lawson, John L. Sallee, J. E. Vichy, C. Abner, A. E. Smith, O. Barns, John Horton, George Sumpter, R. H. Craig, Joseph Sumpter, George K. Noland, M. Sumpter, Hardin Stephens, Elza Spradlin, William Dobbs, John Dobbs, Isaac Hardin, Joseph Roberts, J. V. Waram, William M. Worsham, Boly Roberts, of Pulaski; Andros Spradlin, William Spradlin, of Whitley; Shadrack Blevins, Timothy Blevins, William Crobston, Silas Parmly, William Massington, Celea Bruster, E. Cecil, Martha Massington, David Iame, Mrs. Magee, Melson Davis, Polly Stockton, Bobs. Baugh, B. F. Taylor, L. R. Long, John B. Hinds, John Foster, Jas. Craig, William Boles, all of which witnesses reside in the county of Wayne, except D. P. Wright, A. H. Duvall, John Stockton, and William Guffey, who reside in the county of Clinton; James Denny and Bailey Roberts, who reside in the county of Pulaski; William Spradlin, who resides in the county of Whitley; William Crouch, who resides in Fentress county, Tennessee; Henley Blevins and Armstead Blevins, who reside in Scott county, Tennessee; Mrs. Stephen Loveall, who resides in the county of Adair; John Horton, George Sumpter, in Wayne county, and R. H. Cecil, who resides in Mercer county; also depositions of L. J. Stephenson and Riley Chasteen, of Wayne county.

W. C. ANDERSON.

J. C. CHRISMAN, Esq.:

You are hereby notified that at the court-house in the town of Monticello, Wayne county, Kentucky, on the 2d, 3d, 5th, and 6th days of December, 1859, I shall attend for the purpose of taking the depositions of the following-named witnesses, before George W. Mills, presiding judge of the Wayne county court:

James V. Warden
C. H. Buster
Jno. S. Van Winkle
E. L. Van Winkle
Amanda Kennet

Dudly Massengal
Polly Russell
Bartly Lawson
J. E. Vickory
F. M. Goddard

Mashaac Stephens
L. A. Lanier
Wm. L. Simpson
Jno. B. Ingram
Thomas Lair
Frank Lair
A. M. Shepperd
Solomon Cecil
L. P. Baker
A. R. West
Wiley Johnson
Alvin Jones
Wm. C. Turner
Miles Gregory
J. T. Wilhite
Jas. R. Brown
John Low
John Lewallen
Andrew Slavin
Andrew Epperson
Mrs. Jane Low
Mrs. Lydia Henry
Fleming Bates
Jno. A. Carter
John Morris
Mrs. Nancy Hutchison
Thomas Hancock
Ezekiel Smith
Wm. Lair
M. D. Hardin
Robert M. Tate
Allen M. Butler
J. B. Berry
Wm. Brown
H. Johnson
Wm. Guffey
B. W. Duncan
Wm. Dugger
Jas. M. Hutchison
Daniel Powers
Corydon Frost
Jeremiah Burnet
Wm. Ryan
Thomas Ryan
Timothy Blevins
Shadrack Blevins
Bradcut Guffey
Martin Canady
Rily Hix
Nelson Davis

Joseph Roberts
William Monroe Massengal
Celia Brewster
James Coyle
Polly Hughes
Isaac Hill
Henry Tuggle
Jane Hill, or Jane Coyle
Benjamin Atkins
James Hurt, jr.
Silas Hunsford
Edmund Butler
L. G. Sumpter
W. A. Low
Parish Garner
Joseph Sumpter
James Gibson
David Sowders
W. R. New
Peter Phipps
James Dobbs
James Dolen
Lorenzo D. Hutchison
Jeremiah Sloan, jr.
John Sloan, sr.
Levi Canady
Bartlett Thurston
Wm. Dobbs
Rily Chasteen
R. C. McBeath
James R. Dodson
Jno. R. Dick
Jack Denny
Eli Correll
Peggy Magee
James Lawson
Jno. L. Sallee
Jno. Feuston
George Sumpter
Ambrose Spradling
Matthew Massengal
David Low
Mrs. Sally Horton
Nathaniel Hill
John Criswell
Susan Hill
Calvin Atkins
Calvin Hurt
John Mixon
Jane Burnet

Patsy Jane Thurston
 Benjamin Burk, sr.
 Jacob Troxell, sr.
 Nathaniel Hix
 Washington Jones
 Newton Powell
 Thomas Powell
 Jas. G. Dick

Win. Vaughn
 Belfrey Woods
 Nancy Massengal
 Josiah Dodson
 H. T. Burk
 George Gibson
 Benjamin Hill

All of whom reside in Wayne county, Kentucky.

I will also, at the same place and same time, and before the same officer, take the depositions of James Denny, Richard Cooper, Dudley Massengal, and Eli Correll, all of whom reside in Pulaski county, Kentucky. I will also, at the same time, place, and before the same officer, take the depositions of Henry Blevins, Thomas Boyd, Armstead Blevins, all of whom live in Scott county, Tennessee. I will also, at the same time and place, and before same officer, take the depositions of Talton Blevins, Granville Boyd and Sarah Boyd, who reside in Whitley county, Kentucky, and also the deposition of Jeremiah Sloan, jr., who resides in Clinton county, Kentucky.

All of the depositions of the before-mentioned witnesses to be used as evidence before the House of Representatives of the next Congress of the United States, in a case of contested election, wherein you contest my right to a seat in that body as a member from the fourth congressional district of Kentucky.

W. C. ANDERSON.

NOVEMBER 15, 1859.

Executed on James S. Chrisman, by leaving a true copy of this notice at his usual place of abode, on November 17, 1859.

F. BATES, *S. W. C.*

And at each of the places indicated in this notice I will continue taking the depositions aforesaid, at the places mentioned, from day to day (Sundays excepted) until completed; but shall allow an interval of at least five days between the close of taking the testimony at one place and its commencement at another; at which times and places you can attend in person or by attorney or agent. All of the foregoing depositions, when taken, are to be read as evidence in my behalf in the contested election before the House of Representatives of the Congress of the United States, in which you are the contestant for my seat in said House of Representatives, &c.

W. C. ANDERSON.

Executed the within notice upon the within James S. Chrisman by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *Deputy.*

The depositions of James Hurt, sr., and others, taken at the court-house in the town of Monticello, Wayne county, Kentucky, before George W. Mills, presiding judge of the Wayne county court, on the 2d day of December, 1859, to be used as evidence before the House of Representatives of the next Congress (36th) of the United States in a contested election, wherein James S. Chrisman contests the right of William C. Anderson to a seat in said House of Representatives as the member from the fourth congressional district of Kentucky. Said Hurt, being first duly sworn, and of lawful age, deposed as shown in the following deposition :

Question by W. C. Anderson's agent and attorney. State whether or not you voted at the late August election in Wayne county ; if so, state at what district you voted, and for whom you voted in the congressional race ?

Answer. I voted at the late August election at district No. 4 (South fork) of Wayne county. In the congressional race I voted for W. C. Anderson.

By same. Is there any other James Hurt living in said district who was a legal voter at the last August election ?

Answer. There is no other James Hurt in said district who was a legal voter in said district at said election. There was none other of that name who voted there that I know of.

By same. Is or not your vote recorded on the poll-book of district No. 4 of said county ; if so, how is it recorded and counted ?

Answer. My vote is recorded on said poll-book, and is recorded for James S. Chrisman for Congress, and is counted for him ; it is not recorded for Anderson, for whom it should have been.

By same. Were you or not a legal voter in said district at said election ; and have you or not always been a whig in politics ?

Answer. I was a legal voter in said district at said election ; I have always been a whig in politics ; I have, however, voted for a few men of other politics in my life.

Cross-examined.

Is there any other James Hurt in the precinct in which you voted ; if so, how many, and how many in the county of Wayne ?

Answer. There is two more in the county of Wayne ; none other that I know of in the precinct in which I voted.

By same. Have you a double name ; and if so, what is it ?

Answer. James Hurt, only ; I have no double name.

JAMES HURT.

Also the deposition of David Sowders, taken at same time and place, and before same officer for same person, being of lawful age, and first duly sworn :

Question by W. C. Anderson's agent and attorney. Is or not Micajah Sowders, who voted at precinct No. 4 of Wayne county at the late August election, your son?

Answer. My son, Micajah Sowders, voted at said precinct at said election.

By same. For whom did he vote in the congressional race at said election?

Answer. He voted for James S. Chrisman at said election, and his vote is so recorded on the poll-book of said district.

By same. State all you know in reference to his place of residence at the time of said election.

Answer. He did live at Nancy Atkins', in district No. 4; that is, he raised a crop there on the shares. His brother died at Thomas Sowders', in district No. 1, in June or July last; said Micajah Sowders then hired to Thomas Sowders, who lived in said district No. 1, and went to his house, taking his clothes with him, or a part of them. I know and continued to stay or live with Thomas Sowders until a few days before the election; he then went to district No. 4 and voted as aforesaid.

By same. State all you know with reference to his intention when he went to Thomas Sowders'?

Answer. When he went to work at Thomas Sowders' he told me he did not know when he would return to district No. 4. He was an unmarried man at that time, and had no permanent or fixed place of abode; he worked about from place to place; since the election he has been staying at Mrs. Atkins', in district No. 4, having since that time hired to her.

Cross-examined.

When he went to work for Thomas Sowders did he or not tell you that he intended to return to Mrs. Nancy Atkins' in the South Fork precinct, No. 4?

Answer. He never said.

By same. Where did he have his washing done while at work with Thomas Sowders?

Answer. I don't know.

By same. What property had Micajah Sowders, if any?

Answer. He had none.

By same. What time did he go to Nancy Atkins' to live?

Answer. He went there in time to make a crop this present year.

By same. Where did he live before going there?

Answer. He lived up at Thomas Sowders', in 1st district, and about from place to place.

By same. When he went to Mrs. Atkins' did he or not take his clothes there?

Answer. He did.

By same. Has he or not been living at Mrs. Nancy Atkins' all the time since he returned there before the last August election?

Answer. He returned there after the election, and has been living there ever since.

By same. What relationship, if any, does he bear to the said Mrs. Nancy Atkins?

Answer. None at all.

By same. You have stated that he took with him a part of his clothes when he went from Nancy Atkins' to Thomas Sowders'; how do you know that fact, and what part did he take?

Answer. I was at Thomas Sowders' when he came there; he brought a bundle of clothes with him.

By same. What sort of a contract did he make about working for Thomas Sowders, if you know?

Answer. I don't know as I know; I think he said he would work two or three months with him; he came there on Saturday and went to work the next Monday morning.

By same. What are your politics, and for whom did you vote for Congress at the last August election?

Answer. I only voted for W. C. Anderson.

By W. C. Anderson's counsel. Did or not said Micajah tell you that he was going to Thomas Sowders' to live before he went there?

Answer. I don't know that he did. And further saith not.

DAVID ^{his} + SOWDERS.
mark,

Also the deposition of Granville Boyd, taken at same time and place, before same officer, and for same purpose, said witness being of lawful age and first duly sworn:

By Anderson's attorney. State whether or not Frank Winchester lived on the east side of the Big South fork of Cumberland river before the August election, 1859; tell all you know about his residence.

Answer. Francis Winchester lived on the east side of the Big South fork, three or four miles above Bealy's old salt well; this is a good way above the mouth of Rock creek; he had been living there some time; in the month of June, the 5th or 6th of the month, 1859, he moved to the oil well on the west side of the Big South fork of Cumberland river.

By same. What circumstance is it that enables you to fix the date of his removal to the west side of the river?

Answer. Old man Riley Chasteen, who was a neighbor of mine, died the last Friday in May, 1859; Francis Winchester was there the night before the old man was buried, and moved away to the oil well the second Sunday after the death of said Chasteen; I was not along when he moved; I lived within one half of a mile of said Francis Winchester, before he moved to the west side of the Big South fork.

By same. Did you or not see him and his family at his old home the day that you state he moved?

Answer. I can't say that I saw them on that day, but it was not far from that time that I saw them at the old place, not yet moved.

Cross-examined.

How do you know when the said old man Riley Chasteen died?

Answer. I know from my own recollection.

By same. What day of the month did he die on?

Answer. I don't recollect.

By same. What time in the day or night was it when he died?

Answer. He died in the evening.

By same. Were you present when he died?

Answer. No, sir; I was about one hundred yards from the house when he died.

By same. How many days was it from the time the old man died until the said Francis Winchester moved?

Answer. I don't know that I can recollect how many days it was.

By same. How many Saturdays was there between the old man's death and Winchester's removal?

Answer. Two.

By same. On what day of the month did he remove?

Answer. I don't recollect; I believe it was the fifth and sixth.

By same. How did he move, and who moved him?

Answer. I think, may be, Riley Abbet helped to move him.

By same. What enables you to remember the day or days on which he removed?

Answer. The said old man's death.

By same. On what day of the week did the month of June last come in?

Answer. I don't recollect what day of the week.

By same. Did you charge your memory with the date of Chasteen's death or of Winchester's removal; if you did, what caused you to do so?

Answer. I don't recollect; there was a meeting on the South fork at Parmleysville makes me recollect the removal.

By same. Do you recollect the day of the week and month on which the said meeting was holden?

Answer. No, sir, I don't recollect.

By same. Do you recollect the day or date on which any other neighbor of yours hath died or removed during your whole life? If you do, give said days and dates.

Answer. I cannot.

By same. What year is this since the Christian era?

Answer. I don't recollect.

By same. Is the present the 18th or 19th century?

Answer. I don't recollect.

By same. On what day in the week did Francis Winchester remove to the west side of the Big South fork?

Answer. Either on Sunday or Monday.

By same. How do you know that it was on Sunday or Monday?

Answer. I know by my own recollection.

By same. Did you see him move?

Answer. No, sir.

By same. Were you present when he started to move?

Answer. No, sir.

By same. Then how do you know that he did move at all?

Answer. I know he was gone from the old place on the east side of the Big South fork.

By same. Have you ever been at his house since he removed?

Answer. Yes, sir.

By same. At what time?

Answer. I don't recollect, I've been there so much.

By same. On what day of the week and in what month did you first go there after his removal?

Answer. I don't recollect what time it was.

By same. For whom did you vote at the last August election?

Answer. I did not vote; I live in Whitley county.

By same. How did Mr. Anderson or any other person discover what you knew about the time of said Frank Winchester's removal?

Answer. I don't know that I recollect unless from what I told them about it.

By same. Who did you first tell, and what did you tell him?

Answer. I don't recollect who I told or what I first told.

By same. Are there not many of your neighbors who lived near by the old home of said Winchester, and also many who live near his present residence, who are men of intelligence?

Answer. I can't tell as to that.

GRANVILLE BOYD.

Also the deposition of Miles Gregory, taken at same time and place, and for the purposes mentioned in the caption, said Gregory being of lawful age and first duly sworn :

By Anderson's attorney. State whether or not you were one of the judges of the election at the district No. 4 at the late August election, and did or not act as such in Wayne county?

Answer. I was one of the judges of the late August election for district No. 4, Wayne county, Kentucky, and acted as such during the day until the close of the polls.

By same. Did or not James Hurt and Peter Phipps vote at said election on that day; if so, for whom did they vote for Congress?

Answer. James Hurt, whose deposition has been taken to-day in this contest, was at that election, and I *know* that he voted for Anderson for Congress; I knew his politics, and he being late coming in I sent after him to vote, and distinctly know that when he came he voted for Anderson. Peter Phipps also voted on same day; he voted for Hoskins only; Hoskins was the candidate for State senate. Phipps did not vote for anybody except Hoskins.

By same. Have you not examined the poll-book for district No. 4 of Wayne county? If so, state whether or not Peter Phipps and James Hurt, the men of whom you have spoken, are not recorded as having both voted for James S. Chrisman for Congress.

Answer. I have the book before me, and have examined it, and find the names of said Peter Phipps and James Hurt recorded as voting for James S. Chrisman in said election for Congress.

By same. Is there or was there at date of said election any other Peter Phipps or James Hurt living in district No. 4 who voted at said election?

Answer. There was no other Peter Phipps voted that day, nor

James Hurt, except James Harvey Hurt, whose name I find recorded. His name is recorded for Anderson, and put down as Harvey Hurt.

By same. Have you or not seen the line run between district, No. 4 and No. 7, from the house of John Dobbs to Benjamin Burk's; if so, in which district is the residence of Isaac Hardin?

Answer. I was along and saw the line run between districts Nos. 4 and 7, from John Dobbs' to Benjamin Burk's; the call made in the act of the legislature dividing said districts (it, the line) ran the residence of Isaac Hardin, in district No. 7, about seventy-five yards inside of said line. We run the line with a compass and with great care. I have no doubt the line was correctly run. A couple of democrats got me to go with them to assist in the running of the line.

By same. Did or not Andrew Hill, the son of Catharine Hill, vote for J. S. Chrisman in the said election; and for whom did he vote?

Answer. A young Hill voted in district No. 4. He voted for J. S. Chrisman.

Cross-examined.

Look on the poll-book for the South Fork precinct, No. 4, and at the record and poll of the vote of said Peter Phipps, and state whether the vote of said Phipps does not appear from the said poll-book to have been set down originally and counted for Mr. J. S. Chrisman; and whether there is any erasure or interpolation or changes of the figures at the foot of either Chrisman's or Anderson's column of the page on which said Phipps voted, such as must have been made if the vote of Phipps had been changed after polled.

Answer. The vote of said Phipps appears from the said poll-book to have been originally set down and counted for Chrisman. There appears to have been no change or alteration of the vote or footing up thereof after polled and counted.

By same. Did or not the clerk count up each column of votes at the foot thereof as they were filled with votes?

Answer. I could not say whether it was done at the time or not. It was done during the day, and it seems to me it was done as each page was filled with votes.

By same. Did or not the duplicate of the vote at your precinct, furnished you by the clerk of the election at said election, agree with the poll-book as it now stands, counting said Phipps' vote for Chrisman; and does or not the said duplicate now show that fact?

Answer. I have just examined the poll-book, as it now stands, and the said duplicate certificate furnished me by the clerk of the election at the said precinct, and find that they agree, showing that said Phipps' vote was originally set down and counted as it now stands for Chrisman; and the same is true in regard to the vote of James Hurt, recorded on same page.

By same. Look on your poll-book for the said South Fork precinct, No. 4, and see if the vote of Ebenezer Rice was or not recorded and counted for W. C. Anderson for Congress at the last August election.

Answer. I see from the said poll-book for the South Fork precinct, No. 4, at which I was one of the judges at the last August election,

that the vote of Ebenezer Rice there stands recorded and counted for W. C. Anderson for Congress.

By same. For whom did the said Ebenezer Rice vote for Congress in the last August election?

Answer. My recollection is that he voted for Chrisman for Congress.

By same. Is he or not a democrat; and is it or not well known that he was a warm friend and supporter of J. S. Chrisman for Congress in the last race?

Answer. He generally votes on that side. I thought he was very warm for Chrisman in the last race for Congress.

By same. For whom did you vote in the last race for Congress in this 4th congressional district, and what are your politics?

Answer. I voted for Anderson and the opposition ticket, and am an oppositionist now.

By same. Do you know of any one who voted for W. C. Anderson in the last race in said district for Congress who had not resided as long as two years next before the said election in the State of Kentucky, and the last sixty days thereof in the election precinct in which he voted, or one year next before the election in the county, and the last sixty days thereof in the precinct of said county in which he voted, or who was a foreigner by birth?

Answer. I know of none such.

By same. Who ran the line, as you have stated, between the fourth and seventh voting precincts in Wayne county, from John Dobbs' to Benj. Birk's?

Answer. Ebenezer Rice, whose vote I have just spoken of.

By same. At whose instance did he run it?

Answer. I don't know.

By same. Where does Thomas Abbett reside?

Answer. I know nothing about him.

By same. Look at the last page on the poll-book for the South Fork precinct, No. 4, Wayne county, Kentucky, at which you were judge at the last August election, and state whether the name of the clerk of said precinct, to wit, Jerry Burnett, is signed thereto.

Answer. I have examined the said page of the said poll-book, and do not find his, the clerk's, name thereunto signed. The vote on said page stands, for Anderson six votes, for Chrisman three votes.

By same. Look at the poll-book for the seventh voting precinct in Wayne county, Kentucky, known as Dobbs' precinct, and state whether the clerk of the last August election for said precinct, to wit, Lewis Davenport, signed his name to any page thereof.

Answer. I have just examined the said poll-book for the Dobbs precinct, No. 7, of the last August election, and I find that the name of Lewis Davenport, the clerk of the last August election at said precinct, is not signed to any page of said poll-book; it appears only to the judges' certificate of the vote at said precinct.

MILES GREGORY.

Also the deposition of Peter Phipps, taken at same time and place, and for purposes mentioned in the caption, being duly sworn:

By Mr. Anderson's attorney. Did you or not vote in the August

election, 1859, at the fourth precinct of Wayne county ; if so, did you vote in the race for Congress ?

Answer. I voted at said election, but did not vote in the race for Congress. I only voted for W. A. Hoskins for State senate.

PETER PHIPPS.

Also the deposition of Jeremiah Burnet, taken at same time and place, and for the purposes mentioned in the caption, witness being of lawful age and first duly sworn :

By Mr. Anderson's attorney. Were you or not the clerk of the election of the fourth precinct of Wayne county at the August election, 1859 ?

Answer. I was the clerk of the election of the fourth precinct of Wayne county at the August election, 1859, and acted as such.

By same. Did not Peter Phipps and James Hurt vote in said election ; and if so, for whom did they vote ?

Answer. Peter Phipps and James Hurt both voted in said election, at the fourth precinct. Peter Phipps voted for Hoskins for the State senate ; it was the only vote given by him in said election. James Hurt voted for Bell for governor, and for W. C. Anderson for Congress in said election. This is my recollection.

By same. Did you or not seal up the poll-book before you delivered it to the sheriff of the election ?

Answer. I did.

By same. Did or not Andrew Hill vote in said election ; if so, for whom did he vote, and how is his vote recorded ?

Answer. A young Mr. Hill voted in the fourth precinct in said election, and his vote is recorded as Andrew Hill, and for J. S. Chrisman for Congress.

By same. Who was the sheriff of said election ?

Answer. Preston Rice.

By same. Is not the vote of Peter Phipps and James Hurt recorded and counted for Chrisman on the poll-book ; if so, can you explain how it happened to be so recorded ?

Answer. I find the vote of Peter Phipps and James Hurt recorded for J. S. Chrisman and counted for Chrisman upon the poll-book kept by me in said election. I also find that Ebenezer Rice is recorded for Anderson on same page. Hurt should have been recorded for Anderson and Phipps for Hoskins alone. Rice is a democrat, but I cannot say certainly how he voted.

By same. Did you or not tell W. C. Anderson soon after the election that you believed that Phipps' vote had not been recorded for Chrisman by you ?

Answer. I have not spoken to Mr. Anderson upon the subject ; but soon after the election I told some of his friends that I did not believe that I had recorded said vote for Chrisman. I recollected that Phipps voted for Hoskins only.

Cross-examined.

Are you or not now satisfied, on looking at the poll-book for the fourth precinct, at which you were clerk at the last August election,

that you did record the votes of Phipps and Hurt, and also Ebenezer Rice, all wrong, and just as they now stand ; and do you or not see, by counting the columns on the page on which the said three votes are recorded, that you counted them in the identical columns in which they now stand, and that all the figures are in your own handwriting, and with the same ink ?

Answer. They are all counted in the columns in which they now stand, and my figures at the foot look like they have not been changed. I counted them as the figures show in the columns in which they now stand. The figures are all made with the same ink, and the figures, I think, are all in my handwriting.

By same. How many voters by the name of Hill cast their votes at the voting place in the fourth precinct, called the South Fork precinct ?

Answer. I think, may be, there were three.

By same. Do you remmeber, without looking at the poll-book, any of their Christian names ?

Answer. Bailey Hill was one. I see Andrew Hill on the poll-book. It seems to me that was his name, or it would not have been recorded that way. I don't recollect certainly.

By same. Are you personally acquainted with the young Hill who voted at the fourth precinct ?

Answer. I am not.

By same. Would you know him now by sight ?

Answer. I think I would.

By same. Do you know all the voters of the said fourth precinct ?

Answer. I do not.

By same. Do you know that there is no more than one Andrew Hill in the said fourth precinct ?

Answer. I can't say that, for I don't know it. I have not heard of but the one.

By same. Who were the other officers of the election at your precinct ?

Answer. Preston Rice was sheriff ; Miles Grigory and David Bell were the judges.

By same. Do you know of any person who voted for W. C. Anderson in the last race for Congress who had not resided two years next before the said election in Kentucky, and the last sixty days thereof in the precinct in which he voted, or one year next preceding the said election in the county in which he voted, and the last sixty days thereof in the precinct in which he voted, or who was by birth a foreigner ?

Answer. I don't know of any such person.

By same. Was or not the said Ebenezer Rice a democrat, and a known warm friend and supporter of J. S. Chrisman in the last race for Congress ?

Answer. He was a democrat. I don't recollect that I heard him say anything about the election.

By same. Are you or not satisfied that if the said Ebenezer Rice had crossed his vote in the race for Congress by voting for Anderson, that you would have noticed this extraordinary occurrence, and recollected the fact ?

Answer. I don't recollect how he voted. It is likely I would have noticed the fact if he had crossed his vote.

By Anderson's attorney. Is or not the last page of the poll-book of the fourth precinct now before you, and if so, is not your name the last vote on the same ; and is it or not in your handwriting, and are not all the votes recorded on said page a part of the poll-book, and do you or not know it all to be in your handwriting and part of the same?

Answer. My name is the last one recorded on said page, and I did it in my own handwriting. I recognize said page as a part of the poll-book, and say that it is all in my handwriting, and was done by me as clerk of the said election.

Again by Chrisman's attorney. Did you or not hear Mr. Anderson say, in some of his speeches last summer prior to the election, that he would, if elected to the Congress of the United States, vote for a democratic Speaker of the House, and also for a democrat for President of the United States, in the event that the election of President should devolve on Congress, as against black republican candidates for the same offices?

Answer. I don't recollect any such language.

By same. Have you any recollection, distinct from the poll-book, that the persons whose names and votes are recorded on the last page of the South Fork No. 4 precinct poll-book did vote, and how they did vote?

Answer. I recollect, distinct from the poll-book, that Miles Grigory voted for Anderson and the opposition ticket ; also Preston Rice voted the democratic ticket ; also David Bell, the democratic ticket ; also myself ; which is all I recollect apart from the poll-book.

JEREMIAH BURNETT.

Also deposition of Timothy Blevins, same time and place, and for the purposes mentioned in caption :

By Anderson's attorney. Did not your son, Shadrack Blevins, vote for Anderson, in district No. 7, Wayne county, at the late August election?

Answer. He did.

By same. Has or not said S. Blevins lived all his life at your house, in Wayne county, and kept his washing at your house, in district No. 7.

Answer. My son, Shadrack Blevins, has lived at my house all his life, and has kept his washing and had his making of clothes at my house, except last February he went into Scott, Tennessee, for the purpose of buying a farm, and if he bought it he intended to move to Tennessee ; he, however, did not buy. He got in with his uncle to make a crop for the third, in Scott county, Tennessee, and worked there until May 20, 1859, when he came home to my house, and returned to Scott no more. His brothers went out to Scott and finished his crop. He said that if he bought the land he intended to move to it ; but that if he did not buy it, he intended *not* to move. He left his clothing, all except what he wore off and another suit to work in, and came back during his stay in Scott, to my house, to have his washing and making of clothes. He had a blacksmith's shop and tools at my house, and never moved them ; also a yoke of cattle and

a wagon, none of which he ever moved. He always claimed my house as his home. He never moved to Tennessee.

Cross-examined.

How far is it from your house to where your son Shadrack made his crop this year in Scott county, Tennessee?

Answer. I think it is about twelve miles from my house to where he made his crop.

By same. How old is your said son, Shadrack?

Answer. He will be twenty-five years old the 20th day of December present.

By same. Has he any family, and how much property?

Answer. He has no family, and only the property which I have hereinbefore stated.

By same. Does he or not own land in Scott county, Tennessee?

Answer. He does.

By same. How long has he owned that land?

Answer. I think it has been some three years this winter since he bought it.

By same. How far from the place at which he made his crop in Tennessee does your son's land lie?

Answer. It is about nine miles, in the same county.

By same. Were you present when your son left your house to go to Tennessee?

Answer. I was.

By same. Did he go on foot or horseback?

Answer. He went on foot.

By same. How do you know what clothes he took?

Answer. I saw him take his clothes out of a box in which he kept his clothes and tie them up.

By same. Did he tell you when he left that if he did not buy land he was coming back immediately?

Answer. Yes, sir, he did; he said if he did not buy land he was coming back immediately, to go to the coal mines to stay four years.

By same. Do you know that he did not have clothes made and washing done at Pleasant Blevins', in Tennessee, where he made his crop?

Answer. He never had any made there to my recollection; if he had any washing done there I have no recollection; as for the washing, he might have had some done there. He came home every two or three weeks and got a change of clothing.

By same. On what day of what month did he return to your house?

Answer. I don't recollect the day; I think it was about the 20th of May.

By same. Why did he leave his crop before it was completed?

Answer. Well, sir, he had choice of coming home, I reckon.

By same. Did he or not come to your house for the purpose of voting?

Answer. I don't know that he returned for that purpose.

By same. Did he or not tell you so?

Answer. He talked of voting for Anderson after his return and prior to the election ; he never told me that he had come back for that purpose.

By same. What did he give his brothers to go to Tennessee and finish his crop, or what contract did he make with them?

Answer. He did not give them anything. He said if they would go there and work in his place he would stay at home and work in their place.

By same. How old were the boys who went to work in his place?

Answer. One was twenty-one years old the 18th of February last ; the other twenty years old the 8th of last November.

By same. Did they both work even against your son Shadrack's work?

Answer. They went time about, and worked only one at the same time in Scott county, Tennessee.

By same. What reason did they or your son Shadrack give for thus swapping?

Answer. He said he had rather work at home.

By same. What did he do with his Tennessee crop?

Answer. He has got it yet ; he aims to sell it, he says.

By same. Who gathered the corn in Tennessee?

Answer. He helped to gather it himself.

By same. How long from the time he came to your house and commenced swapping work before the Tennessee crop was finished?

Answer. I don't recollect exactly ; it must have been early in July.

By same. Did he tell you when he left your house that he was going to make a crop in Tennessee before he came back.

Answer. He did.

By same. Did he or not also tell you that he was going to make a crop in Tennessee the next year?

Answer. He did not ; he said if he bought land out there he would ; and if he did not buy the land he would go to the coal mines.

By same. Has he ever gone to the coal mines?

Answer. No, sir, he hasn't ; but he is going shortly.

By same. When he left your house for Tennessee, or while his crop was on hand, did he or not tell you, in substance, that he did not expect to make much of a crop the first year, but would have the ground in good condition for the next year?

Answer. He never told me that, but said if he bought land he would stay ; and if not, he would return and go to the coal mines.

By same. Do you know of any person who voted for W. C. Anderson at the last election who had not resided two years in Kentucky next before the election, and the last sixty days thereof in the precinct in which he voted ; or who had not resided one year in the county, and the last sixty days thereof in the precinct in which he voted ; or who was a foreigner by birth?

Answer. I do not ; I voted for W. C. Anderson in the last race for Congress.

By Anderson's attorney. Did not your son Shadrack pay poll-tax in this county this year?

Answer. He did last year.

By same. Do you know whether he gave in a poll this year?

Answer. I don't know ; his name is not on the sheriff's book.

TIMOTHY BLEVINS.

Also deposition of E. A. Butler, taken same time and place:

By W. C. Anderson's attorney. Did or not William Vaughn vote at district No. 6 at the late August election in Wayne county ; if so, who voted first, you or he ?

Answer. I voted, and William Vaughn, my son-in-law, voted next after me at the late August election, in Mill Spring district, No. 6, and we both voted for W. C. Anderson for Congress.

By same. Have you or not examined the poll-book ; if so, state how your votes are recorded ?

Answer. My name is recorded on the first page of the poll-book as E. A. Butler ; the next vote is recorded William Pond. I don't see Vaughn's name on said book, although he voted next to me.

Cross-examined.

Do you know that there resided in the 6th district in Wayne county, at the late August election, no voter by the name of William Pond ?

Answer. I do not.

By same. Are you acquainted with all the voters in the said sixth precinct in Wayne county ?

Answer. No, sir.

By same. Are you acquainted with one John Mixon who lives in Wayne county, Kentucky ?

Answer. Yes, sir ; I have seen him frequently.

By same. What voting precinct of said county does he reside in ?

Answer. In Mill Spring precinct, No. 6, or did at the August election last.

By same. What time, as well as you remember, did he move into the said precinct ?

Answer. I have no recollection ; I rather judge it was this last spring a year.

By same. Do you know where he came from when he came to Wayne county ?

Answer. I do not know, except from information.

By same. Where did he live when you first made his acquaintance ?

Answer. I don't know that ; I never was at his house except when he lived on Captain West's place—that was, I think, last spring was a year ago ; I am not certain.

By same. Has he lived in Wayne county all the time since you have known him ?

Answer. Yes, sir ; I think so.

By same. Did you or not say, a few days since, in the presence of Judge Buster and others, that if they brought you to town to swear Pond on that, you would swear Mixon off ?

Answer. I did ; at the time I thought it took two years' residence to make a voter.

By same. Did you or not say, at the same time, that Mixon moved here sometime last winter from North Carolina?

Answer. I have no recollection now ; I might have been in one of my sprees.

By same. Are you or not acquainted with one Thomas Muce, residing in precinct No. 6, in Wayne county?

Answer. I have seen the man ; he resides in the sixth precinct, in Wayne county.

By same. Is there any such voter in the said sixth precinct as Thomas Mus?

Answer. I don't know any such a man.

E. A. BUTLER.

Also the deposition of Benjamin Adkins, taken at the same time and place, being of lawful age, and first duly sworn :

Question by W. C. Anderson's attorney. Are you acquainted with Wm. Brewster, and how long have you known him. State whether or not he did not come from Tennessee, and did he or not live in that State until October, 1858.

Answer. I have known Wm. Brewster ever since he was a boy ; he worked for me during the spring and early summer of 1858 ; he came from his father's, in the State of Tennessee, and said he lived at his father's ; I don't know positively that he stated he lived at his father's ; he would return to his father's every two or three weeks. He did not bring all of his clothing with him when he came to my house ; and when he would start to his father's, while he was working with me, he would state that he would have to go *home* for his clothing. I don't know where he went when he left my house ; he would live about from place to place, and was in the habit of calling a place his home after he had been there two or three days.

By same. Did you or not frequently see him going to his father's after he left your house, and would he or not tell you he was going home?

Answer. I don't recollect now ; I frequently saw him passing to his father's after he left my house.

By same. Is or not the name of said Wm. Brewster recorded on poll-book of district No. 4, of Wayne county ; if so, for whom is his vote recorded and counted in the congressional race?

Answer. I find the name of Wm. Brewster recorded on the poll-book of said district for the last August election. It is recorded and counted for J. S. Chrisman for Congress.

By same. Is or was there any other Wm. Brewster living in said district at said election than the one you have before mentioned?

Answer. There was no other man of that name that I know of ; I can't say I know all the voters of said precinct ; I never saw or heard of any other Brewster than the one I have mentioned living in said district at that time.

By same. Do you know one James Davis, who voted at district No. 7, of this county, at the last August election? If so, state how long he had lived in said district prior to that election.

Answer. I know one James Davis, who lived awhile during last

summer in district No. 4, and then moved to No. 3 ; I hired said Davis to cut oats for me, I think in June or July of last summer ; he then lived in district No. 4 ; he told me his family then lived in the same district ; he had worked for me before that during the same summer ; he said he then lived on the head of Beaver creek, which is on the right of the road leading from Monticello to the South Fork, by way of Beaver creek.

By same. Did or not said Davis vote, at the late August election, at district No. 7 ; and for whom is his vote recorded in the congressional race ?

Answer. The name of James Davis is recorded on the poll-books of district No. 7, of this county, for the last election ; it is recorded for James S. Chrisman for Congress.

Cross-examined.

When did you first become acquainted with Wm. Brewster ?

Answer. It has been several years ago, when he was a boy.

By same. Where did he then live ?

Answer. He lived on the South Fork, in Wayne county, in what is now precinct No. 4.

By same. Where did he next live when he removed from that place ?

Answer. He removed with his father from here to Fentress county, Tennessee.

By same. Where did he next remove when he left Fentress county ?

Answer. He next came to my house to live, when I hired him to work for me.

By same. What time did he come to your house to live ?

Answer. It was about the 1st of March, 1858.

By same. What was the contract under which he came to your house to live ?

Answer. I first hired him by the month.

By same. Was he or not a free man over twenty-one years old when he came to your house ?

Answer. He did his own trading ; I would suppose he was over twenty-one years old.

By same. For how long did he set in to work with you ?

Answer. Four months, as well as I recollect.

By same. What voting precinct did you live in at that time ?

Answer. The fourth, called the South Fork precinct.

By same. Where did he go when he left your house ?

Answer. I do not know.

By same. Did he have his clothes at your house during his stay there ?

Answer. A portion of them he did.

By same. Are you acquainted with all the voters in the South Fork or fourth voting precinct in Wayne county ?

Answer. I am not.

By same. Do you know that the Wm. Brewster of whom you speak voted at all in the last August election ?

Answer. I do not ; all I know is, that I see the name Wm. Brewster recorded on the poll-book.

By same. Where does Wm. Brewster now reside?

Answer. In the fourth precinct, the same in which I see the name recorded.

By same. Do you reside in the seventh district in Wayne county?

Answer. I reside in the fourth precinct in said county.

By same. Are you acquainted with all the voters in the seventh precinct in said county?

Answer. I am not.

By same. Do you know how many voters by the name of Davis, or James Davis, resided in the seventh district at and before the last August election?

Answer. I do not know.

By same. What time did the said James Davis work for you the last time?

Answer. The last of June or first of July.

By same. How do you know where he lived at that time?

Answer. He told me he lived in the house with his son William, on the head of Beaver creek, and that he was going to build on his said son's land.

By same. Do you know the boundary of the seventh precinct in said county of Wayne?

Answer. I do not.

By same. Do you know the boundary of any of the precincts?

Answer. I don't know that I do.

By same. How, then, can you state that James Davis lived in the third and fourth precinct?

Answer. I learned from information that the road from here to the South Fork, *via* Beaver creek, was the line between the third and fourth districts.

By same. Did the said Davis reside with his family during the times and residences about which you have spoken?

Answer. I do not know, only what he told me; all I know about where he lived at any time is from what he told me.

By same. Do you know of any person who voted for W. C. Anderson in the late August election who had not resided two years next preceding the said election in Kentucky, and the last sixty days thereof in the precinct in which he voted, or who had not resided one year next preceding the said election in the county, and the last sixty days thereof in the precinct in which he voted, or who was by birth a foreigner?

Answer. I do not.

By same. Are you acquainted with McCajah Sowders, who voted for J. S. Chrisman, and resided in the South Fork or fourth precinct, in Wayne county, at the late August election?

Answer. I am acquainted with McCajah Sowders, and could not say positively whether he lived in the fourth precinct in Wayne county, at the late August election, or not.

By same. Has he or not made his home at Mrs. Nancy Atkins', in the fourth voting precinct in Wayne county, for a long space of time?

Answer. I could not say; he would be there a week or two, and then gone some where, and then back again.

By same. Has he or not staid there pretty closely during the last summer?

Answer. Yes, sir, I think he has; he left once and came to Ben. Mills' to see his brother who was sick; he staid awhile and went back to Mrs. Atkins'.

By same. Do you know Wm. Massingill; if so, how old is he?

Answer. I am acquainted with the gentleman; I don't know his age.

By Mr. Anderson. Does not district No. 4 lie between the head waters of Beaver creek and district No. 7?

Answer. It does; I have learned that a new district (No. 7) has been laid off at the lower end of No. 4, in an opposite direction from No. 3; to go from 3 then to 7, you have to cross No. 4.

BENJAMIN ADKINS.

Also the deposition of Calvin Adkins, taken at the same time and place, and for the purposes mentioned in the caption:

By Mr. Anderson's attorney. Did or not McSowders live with you in the month of June? if so, when did he leave, where did he go, and did he or not say he left to live with his brother?

Answer. McSowders lived with me in June, 1859; I had him hired by the month; in the month of July, about the first of the month, he left my house; his time was out; he came up in district No. 1 to see his brother, who was sick; he came back just about the time of the election; he said he had hired to his brother or Benoni Mills in district No. 1, and that he had been living with his brother in said district, and that he intended to go back to his brother's and work.

By same. Did he not tell you that he was then living at his brother's?

Answer. At the time I have spoken of he told he was *living* at his brother's, in district No. 1.

By same. When was it he told you this?

Answer. It was a day or two after the election in August, 1859, that he told me.

By same. Have you not examined the poll-book of district No. 4 of August election, 1859; if so, how is the vote of said McSowders recorded?

Answer. I have examined said poll-book and find the vote of McSowders (or Micajah) recorded for James S. Chrisman for Congress.

By same. Did or not said McSowders take all of his clothing with him when he left your house to go to his brother's to live?

Answer. He did principally all.

By same. Did he leave any chattels or property with you?

Answer. He did not.

Cross-examined.

How long did McCajah Sowders work with you?

Answer. Three months or more.

By same. While at work with you, where was his washing done?

Answer. At my house.

By same. Where did he live, if you know, prior to coming to your house?

Answer. He had lived at Ben. Atkins' and at Ryan's. He hired about from place to place.

By same. Did he or not live at Nancy Atkins' last summer?

Answer. I am the son of Nancy Atkins; we live, and did last summer live, together.

By same. Did or not the said McCajah Sowders, make a crop with you last summer; and in what voting precinct of Wayne county do you live?

Answer. He did make a crop for my mother last summer. We lived in the 4th voting precinct in Wayne county.

By same. At what time did he remove his clothes from your house?

Answer. When he came up towards town to hire.

By same. At the time he went to see his sick brother, as you have stated, did he take his clothes with him?

Answer. I don't know whether he took them then, or came back after them.

By same. Where did he work next, after working for your mother?

Answer. In district No. 1, for his brother, so he said.

By same. What time was this?

Answer. It was about the month of July.

By same. At what time did he return to your house to live?

Answer. I hired him two or three months, I don't recollect exactly, after the election.

By same. How long has he been living with you this last time?

Answer. Ever since the election.

By same. Has it or not been his regular custom to come back to your house when out of work elsewhere?

Answer. Yes, sir; he had a brother living there, and he would come frequently and stay with his brother.

By same. For whom did you vote at the last August election for Congress?

Answer. I voted for W. C. Anderson.

By same. Do you know of any person who voted for said Anderson at the last August election who had not resided in Kentucky two years next preceding the said election and the last sixty days thereof in the precinct in which he voted, or who had not resided one year next preceding the said election in the county and the last sixty days thereof in the precinct in which he voted, or who was by birth a foreigner?

Answer. I know of no such persons.

By Mr. Anderson's attorney. Did or not said Sowders tell you that he had been working for his brother?

Answer. He did.

By same. Did he not tell you that he was going back to his brother's; and did you not prevent it by agreeing to hire him to work for you?

Answer. He told me he was going back to his brother's, but I agreed to hire him and he remained with me.

By same. Is it not a fact that said Sowders made his home at whatever place he was at work; had he any settled place of abode?

Answer. He had no place of abode, except where he was at work, that I know of.

By same. Did not Benj. Adkins, whose deposition has just been taken, vote for Chrisman in the late election?

Answer. He told me so, and is so recorded.

By same. You have stated that said Sowders frequently returned to your house. Did he or not ever come there but the one time just after the election, except when he was working for you or your mother?

Answer. We raised his brother from a child, and he would come to see his brother, and would stay there as long as a week at a time.

By same. Did he live at your mother's, or at such places as he worked at?

Answer. He lived wherever he could get work ; he would frequently go to such places as he had been in the habit of working at ; he would come to see his brother at my mother's.

By same. Did he or not ever have his washing done at your mother's, except when working there?

Answer. No, sir ; not that I know of.

By Mr. Chrisman's attorney. Did or not said Sowders work the road on your precinct of public road when he did work?

Answer. He worked my precinct of road since the election once, and may have done so before ; I can't tell you.

By same. Did he or not always for sometime past consider your mother's house his home, when he was not at work anywhere?

Answer. I could not tell you whether he did or not.

By same. Does his brother, of whom you have spoken, still live at your house, and how long has he lived there?

Answer. He is about 16 or 17 years old. We have raised him from childhood

By same. You have stated that said Sowders would return to your mother's when out of employment. Now state whether you know of any other place to which he was in the habit of going and remaining when unemployed ; and if so, what place.

Answer. I could not tell you where he would go to, only as he would tell me.

CALVIN ADKINS.

Deposition of Ezekiel Smith, taken same time and place, being duly sworn :

By Anderson's counsel. Are you or not a brother-in-law of George W. St. Johns ? If so, state where he was raised ; where he now lives ; and where he told you he lived before the August election, 1859.

Answer. Said George W. St. Johns is my brother-in-law. He was raised in Smith county, Virginia. He told me a few days before the election that this was not his home ; that his home was in Virginia. I wanted him to buy land near me in Wayne county. He said he had land where his father lived, in Virginia, and that he would not buy here.

By same. Did he or not tell you that he would not give in any property here to the tax commissioner ; and what reason did he assign for refusing to do so?

Answer. He told me that the tax commissioner had called upon him for a list of "his property ; that he refused to give it in ; that his home was in Virginia, and that he was out here and had been on a trading spree."

By same. When was this last conversation?

Answer. It was in the spring of 1859 or winter of 1859.

By same. Did he not tell you that he had voted for J. S. Chrisman at the late election?

Answer. He told me that if his vote was not a good one, he reckoned the judges would not have let him voted.

Cross-examined.

Did or not you and the said St. Johns buy a farm in partnership in this, Wayne, county?

Answer. Yes, sir; we did.

By same. When was this, and when did you sell the farm?

Answer. I reckon it has been a little upwards of two years last fall. I bought him out some three or four months after the purchase. I sold the farm myself.

By same. What is the probable age of Mr. St. Johns, and how long since he came from Virginia to Kentucky?

Answer. I reckon he is about 24, 25, or 26 years old. It has been some four or five years since he first came to Kentucky to see me. He then went to Indiana to see his friends, and probably to Missouri. He came back to Kentucky, bought mules and horses; drove them to Georgia and sold them out; and either went from Georgia to Virginia or came back to Kentucky and went from here to Virginia. He staid there till he made a crop; then came back to Kentucky and bought stock and took to Georgia, and kept buying stock and taking them south and selling. I think he has worked on the farm in Virginia two cropping seasons since he first came to Kentucky—once since I bought his interest in the said farm.

By same. Did you or not try to get him to vote for W. C. Anderson at the last August election for Congress?

Answer. I never, sir. I told him I would have him vote for Anderson for no sum of money.

By same. Where did he make his home at whilst in Kentucky?

Answer. He was at my house part of the time; sometimes as long as two or three nights; then may be a week; then one night, just as it happened, and then gone again trading. He spent the last summer in Georgia.

By same. For whom did you vote for Congress at the last election?

Answer. William C. Anderson.

By same. Did or not Meredith Percell and wife live at your house a short time before the last August election; and did he or not separate from his wife and go to Clinton county or Tennessee to live?

Answer. He left either on Thursday or Friday before the said election, and went to some place below John Phillips', near the Clinton line. He told me he would be back the next Saturday, if he lived. I never heard of any separation until after the election. I went after him on Sunday before the election, and overtook him on his way home.

By same. Did you go to bring him back in order to save his vote for Anderson?

Answer. I wanted him here at the election; that is what I went for. I was apprehensive that he might get drunk and not return.

EZEKIEL SMITH.

Also the deposition of Ambrose Spraddlin, taken at same time and place :

By Anderson's attorney. Are you or not acquainted with Patton Foster ; if so, where does he live, and how long has he lived in Kentucky ? Tell all you know about him and his place of residence.

Answer. I am acquainted with Patton Foster. I have known him a good while. He lives now in Scott county, Tennessee. Said Patton Foster lived in Scott county, Tennessee, and moved to Kentucky in the month of September, 1858, from Tennessee. He came to my house when he moved to Kentucky, and left his things with me and went to where his mother lived, on Rock creek, in Wayne county, Kentucky, and remained there awhile ; then went to a house near the oil well, in Wayne county, Kentucky—remained there a part of the present summer ; then moved to another place not far off from the well—remained there until after the election ; then moved back to Scott county, Tennessee. He was a man of family when he first came into Kentucky.

By same. Are you or not acquainted with Francis Winchester ; if so, tell all you know about his residence ; when he came to Wayne county, if at all, and where he now lives ?

Answer. I know Francis Winchester. He lived in Whitley county. That is on the east side of the Big South Fork of the Cumberland river, about two miles and a half above the oil well. I think between the 5th and 10th of June, 1859, said Francis Winchester moved across the river into Wayne county, Kentucky, a distance of some two and a half miles from where he had lived. He moved in the house with Riley Winchester when he came over.

By same. Were you or not at Riley Winchester's a few days before said Francis moved in ; if so, how long before ?

Answer. I was at Riley Winchester's a week, may be ten days, before the removal.

By same. How long after the removal until you were there again ?

Answer. I can't tell exactly, but not many days.

By same. How far did you live, at that time, from Riley Winchester's ?

Answer. About one mile and a half.

By same. Did you or not neighbor with said Riley, and was or not your families constantly passing and repassing from one house to the other ?

Answer. They passed sometimes, but not very often.

By same. Did or not Francis Winchester pass by your house as he moved ?

Answer. He did not.

By same. Did you see him as he moved ?

Answer. No, sir.

By same. How did you learn of his arrival in the neighborhood ?

Answer. I was down there, and saw him and family at Riley Winchester's a few days after he came in.

By same. Were you or not at the election, and did or not said Francis Winchester vote in August, 1859, at the 4th precinct ; if so, for whom ?

Answer. I was at the August election, 1859, at the 4th precinct in

Wayne county, and saw Francis Winchester vote in said election. He voted for J. S. Chrisman for Congress.

Cross-examined.

Was Patton Foster a man with a family when he first moved to Kentucky?

Answer. He was.

By same. Were you ever at his house in Tennessee before he moved to Kentucky?

Answer. I never was.

By same. How do you know he ever lived in Tennessee?

Answer. He passed my house, in Wayne county, Kentucky, and said he lived in Tennessee.

By same. State the last time he passed your house and stated he lived in Tennessee.

Answer. I can't recollect exactly when. He passed through my yard, carrying meal, frequently, this last summer was a year ago.

By same. Did you help him move from Tennessee, or see him move from there?

Answer. I loaned him my mare to help to move; that is all the help I gave him. He brought a bed, bed-cover and oven, bread-tray and sifter to my house on my mare, and some chickens on his back, and left them at my house. I was there when he came.

By same. What day of the week did he arrive at your house on?

Answer. I don't recollect.

By same. What day of the month did he arrive at your house on?

Answer. I don't recollect.

By same. In what month of the year did he arrive at your house?

Answer. In September.

By same. How do you know this?

Answer. I know it by the time he moved.

By same. How long did he remain at your house?

Answer. I don't recollect. He staid an hour or two, and left his things and went on to his mother's.

By same. What time in September was it?

Answer. Along in the first.

By same. Did you see his family on their way moving?

Answer. He brought his family with him at the same time.

By same. Is there no circumstance that enables you to remember the date of his removal?

Answer. No, sir; I don't recollect exactly the day he moved. I recollect it was in September by John Foster coming to my house. We were talking about it. I also talked with Patton Foster last Sunday. He told me he came here to Kentucky in September. He said if they allowed him to vote by being in Kentucky a year, that he only lacked a few days of being here a year.

By same. Did he or not tell you also that he thought his vote was legal and good?

Answer. No, sir; he did not say that. He said unless they allowed him to vote by being here a little less than a year, he didn't think it was.

By same. Did he or not tell you that he was sworn when he voted?

Answer. No, sir ; I don't recollect that he did.

By same. Do you recollect the day or the month on which any other man ever moved from one State to another? If you do, give the instance.

Answer. I don't know that I do recollect exactly the day that any other man moved ; I don't know that I can give the month in which any other man ever moved.

By same. How many times have you moved?

Answer. I am not able to tell you ; I have moved several times.

By same. Now give the month and year in which you made each move.

Answer. I cannot recollect.

By same. Can you give the year in which any of your moves happened?

Answer. I moved last April was a year ago, to where I now live, the first day of the month.

By same. In what year was it?

Answer. I cannot tell you.

By same. What year is this?

Answer. It is 1852, I reckon.

By same. What month is this?

Answer. It is November, I reckon.

By same. Who did you vote for at the last August election for Congress, and who for governor of Kentucky?

Answer. I voted for Anderson for Congress ; it is the only vote I gave.

By same. How did Mr. Anderson learn what you knew about illegal votes being cast for Chrisman?

Answer. I cannot tell how he learned it.

By same. Have you ever told any one what you knew?

Answer. I have been talking about them.

By same. How do you know when Francis Winchester moved from one side of the Big South Fork to the other, as you have stated?

Answer. I saw him after he moved, and before he moved.

By same. On what day of the week did you see him before he moved?

Answer. I don't recollect ; I think Saturday.

By same. On what day of the month did you last see him before the move?

Answer. I don't recollect.

By same. In what month of the year did you last see him before the move?

Answer. In May.

By same. In what year was it?

Answer. It was in the year 1859.

By same. On what day of the week did you first see him after his said move?

Answer. I don't recollect ; I paid no attention to it.

By same. On what day of the month did you first see him after the said move.

Answer. I cannot tell you ; I did not pay any attention to it ; I saw he was there.

By same. When did you first see him ?

Answer. I don't recollect ; it was about the first of June.

By same. If you paid no attention to his move, how came you to fix the month in which he moved, and cannot fix the month in which any other person moved, and not even of your own moves, except the last one ?

Answer. I recollect about him talking about moving off, and then he gave it out, and moved over on this side of the river.

By Anderson's attorney. You were asked what year this was, and answered that it was 1852. You will now state whether or not you spoke without reflection, and will now state what year it is.

Answer. I was bothered and not thinking, and spoke without reflection ; I now state that it is the year 1859.

By same. Have you any education in regard to figures ?

Answer. I have no school education, and know nothing about figures.

By same. Did or not Francis Winchester run away last spring, and go to the State of Tennessee ? If so, how long was he gone, and why did he go ?

Answer. Last March, I think it was, he was gone from his home, or where his family was ; I don't know how long he was gone ; he was gone awhile.

By same. Did he not tell you that he went to Tennessee on that trip ? and did he not tell you that he never expected to come back, but afterwards changed his mind and came back ?

Answer. He told me nothing about it.

By same. Did not F. Winchester tell you that he moved across the river into Wayne in June ?

Answer. I don't recollect that he did, but I know he did along about the first of June last.

By Chrisman's attorney. Do you know that the former residence of said Winchester is in Whitley county or not ?

Answer. I don't know that it was ; it was called Whitley.

By same. Who called it Whitley ?

Answer. I recollect the Blevinses, and a good many others.

By same. Do you recollect any who stated that Winchester's house was in Whitley ?

Answer. I recollect that Blevin said so.

By same. Do you know in what year and month you were born ?

Answer. I was born in February ; I don't recollect what date of the year.

By same. How many children have you ?

Answer. My old woman has five.

By same. Tell when each was born, if you can ?

Answer. I don't remember when they were all born ; I recollect the last one only ; it was born in April was a year ago.

AMBROSE ^{his} + SPRADDLIN.
mark.

Adjourned until to-morrow morning, which will be December 3, 1859.

G. W. MILLS, *P. J. W. C. C.*

SATURDAY MORNING, *December 3, 1859.*

Met pursuant to adjournment on last evening.

The deposition of Thomas Ryan, taken on the third day of December, 1859, being first duly sworn :

By Anderson's attorney. State whether or not you are acquainted with James Davis?

Answer. I am somewhat acquainted with James Davis.

By same. Where does he now live?

Answer. He now lives in the seventh district of Wayne county, Kentucky.

By same. Did you or not meet said Davis when he was moving to said district ; if so, when ? Tell all you know about his residence.

Answer. I saw said Davis about two weeks before the August election, 1859, moving ; he came by my store, in the fourth precinct of Wayne county, Kentucky, and was going in the direction of the seventh precinct. He had a budget of clothes, probably a bed-quilt or two, and his wife. About the last of June, before he moved, he was at my store, and told me he then lived in my district or precinct, which is the fourth, or South Fork voting place ; he said in that conversation that he would be a voter in said South Fork district at the coming election in August, 1859 ; he said he was then living with his son, in the fourth district, and that he was going to build himself a house on his son's land ; this was before his removal above spoken of ; he said he had, in the spring, 1859, been living with Nelson Coffey, in the seventh district, and that he had set in to make a crop with him, but that he and Coffey had fallen out, and he had left Coffey on the strength of it, and he was going to settle on his son's land, in the fourth precinct, and build.

By same. Is or not the vote of James Davis recorded on the poll-book of the seventh precinct ; if so, for whom did he vote ?

Answer. I have just examined the poll-book of the seventh district, and find the vote of James Davis recorded there for J. S. Chrisman, at August election, 1859.

By same. Is or not the name of Patton Foster and Francis Winchester recorded on the same poll-book, and for whom ?

Answer. I have the book before me, and state that the names of Patton Foster and Francis Winchester are both recorded on the said poll-book as voting for J. S. Chrisman for Congress, in the late August election.

By same. Are you or not acquainted with the voters of the seventh district ; if so, is there or not any other James Davis living in the seventh district than the one of whom you have spoken ?

Answer. I am acquainted principally with the voters of the seventh precinct, and state that there is no other James Davis that lived in

said district at the late August election that I know of, except the one I saw at my store, already spoken of.

By same. Was there more than one Patton Foster or one Francis Winchester living in said precinct at the late August election?

Answer. There was but one Patton Foster and one Francis Winchester living in said precinct at the late August election that I know of.

Cross-examined.

By same. Has the said James Davis any children?

Answer. None living with him to my knowledge.

By same. Did he tell you at the time you talked with him at your store how long he had lived in the seventh voting precinct in Wayne county?

Answer. No, sir; he did not.

By same. You have stated that said Davis told you at your store that he had set in with Nelson Coffey, in the seventh precinct of said county, in the spring of 1859, to make a crop; now can you state, from your own knowledge, that he did not make that crop with said Coffey?

Answer. I know he was at work last summer in the South Fork or fourth district after he told me he had left Coffey, as before stated.

By same. You have stated that he told you that he intended to build on his son's land in the fourth precinct; now state whether he ever did build on his said son's land in pursuance of what he told you.

Answer. I can't say, because I don't know.

By same. Where does the said Mr. Davis now live?

Answer. From the best information, he lives in the seventh voting precinct.

By same. Is he a housekeeper or boarder at this time?

Answer. I suppose he is a housekeeper.

By same. Have you ever known him to keep house in any but the seventh precinct of said county?

Answer. I don't know anything about his keeping house anywhere, except hearsay.

By same. How far does he now live from said Nelson Coffey's?

Answer. I don't know, sir.

By same. Have you ever seen him at his son's, in the fourth or South Fork precinct, in your life?

Answer. No, sir.

By same. Is he or not a man that talks much, talks at random, and whose talk upon unimportant subjects is loose, unguarded, and uncertain?

Answer. I don't know anything about that. I looked upon what he was telling me to be the truth; he seemed to be in earnest.

By same. You have stated that Mr. Davis worked in the fourth precinct last summer. Please state how you know that fact, and how long he worked there, and who he worked with.

Answer. He told me he worked with Jake Sanduskey, and that he made for him one thousand rails in one week in the fourth district;

also, he told me he worked for Ben. Atkins, cradling oats, in same district. This is all I know of his work or staying in the fourth precinct, together with what he told me about living at his son's at my store.

By same. Does the said Davis own land or other property, that you know of.

Answer. No, sir; none except his clothing, &c. I voted for W. C. Anderson for Congress at the last August election. Ebenezer Rich was a warm friend of J. S. Chrisman. His vote is recorded for W. C. Anderson.

THOMAS RYAN.

Deposition of James Gibson, taken at the same time and place, being duly sworn:

By Mr. Anderson's attorney. State whether or not you know E. F. Wallen; if so, tell all you know about his residence for the last twelve months.

Answer. I know E. F. Wallen; he passed my house in the latter part of the summer or fall of last year; he was going, he said, to Scott county, Tennessee, to see his mother, who lived out there; he said he expected to remain out there, and take care of her.

By same. When did he return from Tennessee?

Answer. Somewhere about Christmas last, or after, I think.

By same. Did he or not tell you he was going out to Tennessee to live there?

Answer. I don't recollect that he said that.

By same. Did he not, after his return to Kentucky, and before the election, tell you that he had to run away from Tennessee on account of a difficulty he had gotten into out there?

Answer. Yes, sir; he said he had to run away from Tennessee on account of knocking down Dennis Angell.

By same. Does or not said E. F. Wallen now reside in the town district of Wayne county.

Answer. He does.

Cross-examined.

Where was Mr. E. F. Wallen raised?

Answer. I can't tell you exactly; he was partly raised in this county, I expect; he was mostly raised in this (Wayne) county, is the best of my knowledge about him.

By same. Were you ever at the house of the said Wallen's mother?

Answer. I never was.

By same. Where do you live?

Answer. I live on the Little South fork, in district No. 4, about two miles from the Tennessee line.

By same. Is Mr. E. F. Wallen a single or a married man?

Answer. He is a married man now.

By same. When did he marry, and whom?

Answer. He married one of the Lovers; he married, I reckon, in April or May last.

By same. Where did he marry?

Answer. He married in Tennessee, close to the State line.

By same. After he married where did he settle?

Answer. He came down here somewhere in the town precinct, Wayne county, Kentucky, and stayed somewhere about Benoni Mills.

By same. Where does he now live?

Answer. I can't tell exactly; I suppose he lives in the said town precinct, on Shelby Coffey's land.

By same. Do you or not know that he built a house in Tennessee for his mother, and returned after completing the house to Kentucky?

Answer. No, sir; I don't know anything about it.

By same. When he passed your house did he or not tell you that he was going to return to Wayne county, Kentucky?

Answer. No, sir; he did not say anything about returning.

By same. How long after that until you next saw him?

Answer. It was some time, I think, after the following Christmas that I next saw him, which is last Christmas.

By same. When and where did you next see him after the time last mentioned?

Answer. At my mother's, in the fourth precinct, at my house or where I live, some time after last Christmas.

By same. Did you have any talk with him on this last occasion, and what was it?

Answer. He said, as before stated, that he had to run away for knocking down Dennis Angel.

By same. Was he at that time married?

Answer. No, sir.

By same. When did his mother remove to Tennessee?

Answer. I can't tell you; she has been there some time I expect.

By same. Did you ever know her to live elsewhere than Tennessee?

Answer. Yes, sir; she used to live in this county when her and Wallen, her own husband, lived together.

By same. How long since she separated from Wallen, her husband?

Answer. I would suppose they have been separated some three or four or five years, or may be more; I don't know.

By same. Since the said separation has or not Wallen, her husband, resided in this (Wayne) county?

Answer. I don't think he has much. I think he has been in Clinton county most of the time.

By same. Where did the said E. F. Wallen make his home in this county before he went to Tennessee?

Answer. I can't tell you.

By same. Are there not a large family of Wallens in this county?

Answer. I suppose there are several of that name scattered around here.

By same. Are you acquainted with many of the voters in the town precinct, Wayne county, Kentucky?

Answer. No, sir; not very many.

By same. Do you know that there are no other persons named E. F. Wallen in Wayne county, and in the town precinct thereof?

Answer. I know of no other one of that name.

By same. When you saw him pass your house on his way to Tennessee, as he said, what did he have with him, and who?

Answer. One of his brothers came there with him, and the same brother and a sister left there with him ; he was packing some clothes.

By same. In what year was it he passed your house the first time?

Answer. It was this year—I am mistaken, it was April or May of last year.

By same. In what year was it that he next passed your house?

Answer. It was some time after Christmas after that time.

By same. When and how did Mr. Anderson or his friends learn what you knew about Mr. Wallen?

Answer. I don't know. I might have stated to some of them that it was not a lawful vote.

By same. Did you ever tell any one of them ; if so, whom?

Answer. I don't know that I did.

JAMES ^{his} + GIBSON.
mark.

Also deposition of Ezekiel Cecil, being duly sworn:

By Anderson's attorney. Are you or not acquainted with John Massengill ; if so, is he or not your son, and tell all you know about his age?

Answer. I am acquainted with John Massengill ; he is said to be my son (illegitimate ;) he was, I am confident, born in the month of December, 1837.

By same. How is it you remember his age?

Answer. I was quite young at the time the child was said to be mine, and the law laid a heavy fine on me if it was mine ; and was told that unless the mother proceeded against me in two years after the child's birth I would be relieved, and I recollect that I watched the time very closely until the two years were out.

By same. Were you married at the time the child was born?

Answer. I was not.

By same. When were you married?

Answer. In 1843.

By same. Do you remember how old young Massengill was when you married?

Answer. I have not counted it. I was married in 1843 ; he was born in 1837 ; you can count it.

By same. Do you recollect where you were living when Massengill was born?

Answer. I was living in Fentress county, on a creek called White Oak.

By same. Did not the same John Massengill of whom you have spoken live, at the time of the last August election, in the town precinct of Wayne county?

Answer. I suppose that he did ; I saw him here the day of the election just as he said he was going in to vote ; I saw him afterwards, and he said he had voted.

By same. Did you or not move from White Oak soon after Massengill was born?

Answer. If I am not mistaken, I moved from White Oak the spring after his birth ; in March, I think. I went some five miles.

By same. How long did you stay at this last place?

Answer. Two or three years, I think.

Cross-examined.

Where does the said Massengill's mother now live?

Answer. I never was at her house ; it is said she lives on Beaver creek, in this, Wayne, county.

By same. Where was the said Massengill born?

Answer. On a creek called White Oak.

By same. In what season of the year was he born?

Answer. In December is my recollection.

By same. How long after his birth did you remain on the creek in Tennessee called White Oak?

Answer. If I am not mistaken, I left there about March next following his birth.

By same. Where did you move to from there?

Answer. We moved to another creek in the same county called Black creek, about five miles distant from my former residence on White Oak.

By same. How long did you live on Black creek, and where did you next move to?

Answer. I can't say exactly ; I believe it was three years ; I left my father there and went into the Hiwassee purchase, in Meigs county, Tennessee, where I remained near twelve months ; my father moved from Black creek in the spring ; I and my sisters remained and made a crop on the place, and I left for Hiwassee, as stated, in that fall ; I then came back to Fentress county.

By same. To whose house and what place as a home did you come to on your return to Fentress?

Answer. I came to my father's house, where I remained from fall until the next spring ; I then married a Corply, and remained there until that fall.

By same. In what year was your marriage?

Answer. My marriage was in the year 1843.

By same. Where did you move to the fall after your marriage, and how long did you remain?

Answer. I moved about one-half mile from my father's, in the same county, where I staid two or three years, I believe ; I think something like two years.

By same. Where then did you move to?

Answer. About eight miles from there, still in the same county, where I remained, if I mistake not, not quite twelve months.

By same. Where next, and how long did you stay?

Answer. Into this, Wayne, county, Kentucky.

By same. To what point in Wayne county did you move?

Answer. I moved on what is called Langham's fork of the Little South fork.

By same. In what year was this last move made?

Answer. I don't know that I could tell you without counting awhile ; I believe, though, it was about in 1848.

By same. How long did you remain at the first place to which you moved, as last stated ?

Answer. I think it was between two and three years. It was two years ; and from fall till spring.

By same. To what place did you next remove, and how long did you stay ?

Answer. Next moved into Tennessee, Fentress county.

By same. In what season of the year and what month did you make this last move ?

Answer. I could not say positively ; it was somewhere from the middle of February to the first of March ; I think it was between the middle and last of February.

By same. How long did you remain at the first place to which you moved in Fentress ?

Answer. I moved to another creek called White Oak in said county, when I stayed there and close there about four years.

By same. To what place did you next move ?

Answer. To this (Wayne) county, and have remained here ever since.

By same. In what year, month, and date did you last move from Tennessee to this county ?

Answer. It has been four years last November ; I disremember the day.

By same. How many lawful children have you ?

Answer. Six.

By same. Please tell the date in which each was born.

Answer. Without a right smart study I could not fix the dates of all ; the eldest, if I am not mistaken, was born July, 1844 ; the youngest was born last March, in 1859. This is all I can remember at present. There is some little advantage of two years between each of them. There is one dead.

By same. Has the said Massengill ever lived with you ?

Answer. No, sir ; I know of no other John Massengill in this district.

EZEKIEL CECIL

Also the deposition of Sarah Horton—same time and place—first duly sworn:

By Mr. Anderson's attorney. Is not John Horton your son ?

Answer. He is.

By same. Where did he live before he went to Cecil's, in Mercer county ?

Answer. He has always made my house his home ; he kept his washing with me and sewing ; he stayed at home last fall, (1858,) and sowed his wheat before he left, and went and worked at Kelley's last summer a year ago ; then came home and sowed his wheat ; Kelly lives close to me. In February last (1859) he went up in Mercer county, Kentucky, to work for R. H. Cecil ; stayed until the election ; then went back and stayed awhile longer ; then came home to my house about one month ago ; then went to Georgia with a hog-drover. While he

stayed at Cecil's I did part of his sewing and sent it to him in Mercer county ; when he left to go to Mercer, he told me he was going to stay until he made a crop, and was then coming home ; while was in Mercer he wrote to me not to rent my land nor still-house, that he wanted it.

By same. Do you or not live in Mullettown precinct, No. 2 ?

Answer. We live in Mullettown precinct, No. 2.

By same. Did or not John Horton tell you that he was going to work with Cecil until he paid a debt that he owed him ?

Answer. That was the conclusion ; he said he wanted to pay the debt, and knew no better way of doing it.

Cross-examined.

Where was your son John's washing done while he lived in Mercer county ?

Answer. You know I could not do his washing here ; at Cecil's, I reckon, in Mercer county.

By same. When he went to Mercer county, did he or not take all his clothes ?

Answer. He took the most of them ; he left a few of them.

By same. What description of clothes did he leave ?

Answer. He did not leave much of anything ; he left some shirt-collars ; I don't know that he left anything but a couple of shirt-collars.

By same. Did he leave any other property in Wayne county when he left ?

Answer. I don't think he left anything ; he had a little piece of land he had taken up ; when he came back from the election I had cut his wheat and mixed it with mine, and he said it would make us a cake.

By same. When he came home about the election, as you have stated, how long did he remain at your house ?

Answer. He stayed down a week ; he then went back to Mercer county, and stayed two months at Cecil's ; then came back to my house and stayed about a week, and then started to Georgia, as I have stated ; when he started to Georgia he told me he would not go all the way if he could get off. He told me not to lease my land, that he was coming back to make a crop at my house next summer with the other two boys.

By same. What contract, if you know, did he make with Cecil when he went with him to Mercer ?

Answer. He went to work at \$15 per month until the crop was made. When that contract was out, he told me when he came home about the election that he had made a further contract to go back and do some other work for Cecil at \$13 per month.

By same. At what time did he bring his clothing back from Mercer county ?

Answer. He brought them back when he came home the last time, about a month ago.

By same. Where are his clothes now ?

Answer. They are at my house.

By same. How long since he made his last crop at your house?

Answer. He has not made any crop there in a long time; last summer was two years ago he stayed at my house, and was not able to work much, though he knocked about some and helped in my crop.

By same. How old is he?

Answer. He'll be 23 years old next February.

By same. Has he or not hired himself from place to place all the time since his majority?

Answer. He has made no crop at home since he was 21 years old; he has just hired about.

By same. Has he or not took a trip and stayed awhile in Tennessee, after he worked at Kelly's?

Answer. Before he worked at Kelly's he took a trip to Tennessee, and was gone a little over a month; he worked a month in Tennessee with Mr. Perry Hall, in McMinn county.

By same. How far from here?

Answer. About one hundred miles, I reckon.

By same. Have you or not heard your said son say that he had voted for some person or persons in the town of Monticello, Kentucky?

Answer. I don't mind hearing him say anything about voting in town.

By same. What did he go to McMinn county, Tennessee, for?

Answer. He said he had concluded that he could make more money down there than here; when he came back from Tennessee, he said he found he could not do as well there as he could do here, and he came home.

By same. What time was this when he returned from Tennessee?

Answer. It was the latter part of the winter of 1857 or the spring of 1858.

By same. When he went to Tennessee, did he not tell you he was going to remain there?

Answer. He never said how long he was going to stay, as I remember.

By Mr. Anderson's attorney. Did or not your son John keep saying from year to year that he intended to quit being out, and try to stay at home and make a living?

Answer. Yes; that was what he said; every year he would say he did not intend to hire out any more, but somebody would come and persuade him to work for them.

SARAH HORTON.

Also the deposition of William Guffey, taken at same time and place, being duly sworn:

By Anderson's attorney. Are you or not acquainted with Alberry Choate?

Answer. I am.

By same. Tell all you know about his residence for the last twelve months.

Answer. He came to my house in February, 1859; he came there to make a crop with me. I live in the Edwards precinct, No. 3, of

Wayne county. When he came there to my house he told me that he lived down on Otter creek, in the Mullentown precinct, No. 2. I think he stayed at my house until about a week before the election, then went to Parish Graham's in Mullentown district; and when he came back to my house on Saturday before the election he told me he was going to live at said Parish Graham's. When first he came to my house it was for the purpose of hiring to make a crop only; his wife was during that time at her father's, (Joel Acre's,) who lives in Mullentown precinct, Wayne county. He told me his wife had left him; I don't know where they live when together.

By same. Did he claim your house as his home, or did he only claim to be there during the cropping season? Where did he tell you his home was?

Answer. I don't know whether he had any particular home. I can't say only what I have already stated about his statements. I remember no other statements of his in regard to his place of residence.

By same. Did he or not tell you the Saturday before the August election, 1859, that he had been working at Parish Graham's that week, and that he was then living with Graham?

Answer. Yes, sir; he did tell me that he was then working for Parish Graham, and had been for a week; and that he was then living with said Parish Graham.

By same. Did not Parish Graham at that time live in the Mullentown or 2d voting precinct of Wayne county, Kentucky?

Answer. That is my understanding; he lives down on Otter creek, about a half mile below John Bell's. I have just examined the boundary of precinct, No. 2, and say that Parish Graham lived in Mullentown precinct, No. 2, of Wayne county, and I lived in Edwards or No. 3, at the time mentioned.

By same. Was not said Alberry Choate's time out with you when he went to Graham's?

Answer. It was out.

By same. Did he or not take his clothing with him when he went down to Parish Graham's about the week before the election?

Answer. He did; he took them with him from my house about a week before the election and went off, and when he came to my house the following Saturday, it was that he told me he had gone to live with Parish Graham.

By same. Did he leave any property at your house?

Answer. He left nothing at my house.

By same. Have you or not just examined the poll-book of the 3d or Edwards district, Wayne county, the same in which you live; if so, is said Alberry Choate's name on said book as voting; if so, for whom is his vote recorded?

Answer. I have just examined the poll-book for the 3d precinct of Wayne county, for last August election, (1859,) and there find the name of Alberry Choate recorded as voting for J. S. Chrisman for Congress.

By same. Do you know any Choates in said 3d district?

Answer. I don't think there is a Choate, or man of that name,

who lived in the 3d district of Wayne county on the day of the last August election.

By same. Are you not acquainted with the Choate family ; if so, is there or not but the one named Alberry?

Answer. I am well acquainted with the Choate family, of Wayne county, and say that there is no one of that family named Alberry except the one of which I have been speaking, that I know of?

Cross-examined.

When Alberry Choate came to your house last February, was there any agreement with you as to when he should leave your house?

Answer. No, sir.

By same. Did he or not bring his clothes and keep his washing, and make his home at your house while he remained there?

Answer. We washed for him ; he said part of his clothes were on the creek ; he brought a few clothes to my house. He staid there until he made the crop ; I know of no other home that he at that time had.

By same. What sort of a crop did he make ; and was part of it his ?

Answer. We made a good crop ; he agreed to stay with me until the crop was finished for a horse which I gave him.

By same. When did he move that horse from your house ?

Answer. He moved him a week, or may be a day or two over a week, before the last August election.

By same. When he left your house a short time prior to the last election, as you have stated, and then returned again, did he not tell you on his return that he had been fixing to sow wheat somewhere, and that he was going to move ?

Answer. He said he had been at work at Parish Graham's for a week ; he said he had set in to work for Parish Graham and had been fixing for sowing wheat, turning over wheat ground, and was going to make a crop with him.

By same. How long did he remain at Mr. Graham's ?

Answer. He was there the last account ; he may be there now.

By same. Had he or not separated from his wife before he set in with you, and had he any property ?

Answer. He said when he came to my house that his wife had left him ; if he had any property when he came there I did not see it or know of it.

By same. Do you know where he was on the day before the election?

Answer. He left my house on Sunday morning before the election, after breakfast.

By same. How long had he been there this last time ?

Answer. I think he came there on Saturday morning last, before daylight.

By same. Did he take any clothes with him on the Sunday before the election when he left your house, except what he wore ?

Answer. I don't know whether he took anything that day or not.

By same. Did you see him take any clothes from your house on any day ?

Answer. I only saw him take what he had on his back ; he had on one shirt and he was going to put on another ; he had on a summer coat and put his overcoat on over it ; I saw him do this. If he left anything I don't know it.

By same. For whom did you vote in the late race for Congress ?

Answer. I did not vote at all ; I was sick and did not get there. I wanted to get there very bad and vote the opposition ticket.

By same. Do you know anything about the residence or age of James S. Lowe, who voted for W. C. Anderson in the last race for Congress ?

Answer. No, sir ; I do not.

WILLIAM GUFFEY.

The deposition of Benj. Burk, taken at same time and place, being duly sworn, and of lawful age :

By Mr. Anderson's attorney. Were you or not at the August election, 1859, at the seventh precinct in Wayne county ? If so, did you or not see Patton Foster, Francis Winchester, and James Davis vote ? If so, for whom did they vote ?

Answer. I was present at said August election, 1859, at seventh precinct, and saw Francis Winchester and James Davis vote. They voted for J. S. Chrisman for Congress, and the poll-book now before me shows that fact ; it also shows that Patton Foster voted for Chrisman for Congress in said election. I saw him go up to vote ; a squabble was raised, and I did not see him vote. He told me afterwards that he succeeded in voting.

By same. Is there any other person of the name of James Davis, Patton Foster, or Francis Winchester who lived in said district at time of said election ?

Answer. There are no other persons of those names in said district who are grown, nor were there any such there before the election, except the names mentioned.

By same. Are you or not well acquainted in said district ? Do you know all the voters of said district ?

Answer. I am tolerably well acquainted in said district ; was born and raised in the country now composing said precinct. I think I know a good many of the voters of said precinct.

By same. Where did F. Winchester, Patton Foster, and James Davis, of whom you have spoken, come from ?

Answer. Patton Foster came from Tennessee ; James Davis was a man that had been moving about from place to place ; Winchester had come from Whitley county during the summer. I understood he had lived not far from the Oil Well when he lived in Whitley. He lived with Riley Winchester when he came over to Wayne county.

Cross-examined.

How do you know that Patton Foster ever lived in Tennessee ?

Answer. I never saw him there ; I know only from hearsay ; he told me he moved from there when he came over.

By same. Were you ever at Francis Winchester's, in Whitley county, Kentucky ?

Answer. I never was there while he lived there.

By same. How do you know, then, that he ever lived in Whitley county?

Answer. I did not know, only from report.

By same. How do you know the time he moved in the house with Riley Winchester?

Answer. I do not know, only from report.

By same. When did you first see him there?

Answer. I think it was in July.

By same. Do you know from your own knowledge where he had been before he came there?

Answer. No, only from report.

By same. Do you know anything of your own personal knowledge about where James Davis lived at any time?

Answer. Yes, sir; he lived at Nelson Coffey's in the latter part of last winter. I never saw him there in my life. I don't know that he ever lived there, except what Coffey said.

By same. Which of the said persons, Patton Foster, Francis Winchester, or James Davis, voted first, which second, and which last, if you recollect?

Answer. I do not recollect. I think Winchester voted towards the last; I am not certain.

By same. For whom did you vote in the last race for Congress at the last August election?

Answer. For W. C. Anderson for Congress.

By same. Do you know anything about the residence of Elijah Spradler at and prior to the last August election?

Answer. No, sir; I do not; I know he was living where he lives now about the first of last April, or somewhere along in April.

BENJAMIN BURK.

Also the deposition of Bartholomew Lawson, taken at same time and place:

By Anderson's attorney. Is or not James Lawson your son?

Answer. He is.

By same. State where James Lawson resided at the last election. State how long he had lived there, and all you know about it.

Answer. James Lawson was living upon the mountain above Captain F. M. Goddard, in this district, No. 1; he built his house there in March last, and lived there, and then hired to William Minett, and worked for him awhile; he left Minett's in April, some time along, perhaps about the last; there was some talk of Lawson's wife's sister going to leave, and Lawson's wife wanted to go to see her, and they went to see her in Tennessee, and were gone about three weeks. He then came back to my house and stayed all night, and next day put up his plunder and went back to the house he had built in the spring on the hill, as before stated. When he left Minet's he left a part of his things at Minet's, and brought the balance to my house.

By same. Does not Minet live in this district, and did he not live here last spring? Did not James Lawson move all of his things,

after he came back from Tennessee, to the house on the hill, and live there until the election?

Answer. Minet lives in this district, and did last spring. James Lawson moved all of his things to his house on the hill after he came back from Tennessee, and continued to live at the same place until the election.

By same. What month was it in he moved on the hill?

Answer. It was in the month of May.

By same. How long have you been living at the place you now live?

Answer. I have been there two years this last time, and lived there one year before that.

By same. Whose land do you live on?

Answer. On Arthur Rankin's land, about half a mile above his house; and I live on the bank of Beaver creek.

By same. Until recently was not the place where you live always regarded as in this district?

Answer. This is what I understood.

By same. Have you or not generally voted in this district when living at the place where you now live and did at the last election?

Answer. I always voted here (district No. 1) when living at the place where I now live and did live at the last election.

By same. Did you or not vote two years since last August at this place for Anderson and Buster?

Answer. I did; I was living at the same place where I now live.

By same. Did you ever vote in the Mullentown district while living where you now live?

Answer. I never voted there at all.

Cross-examined.

Question. Where did your son, James Lawson, live while he was building his said house in district No. 1?

Answer. He was living the most of the time with one of the Wallens, on F. M. Goddard's land, in the town precinct.

By same. When did he first move into his said new house?

Answer. He moved into it in March last.

By same. Did you help him move?

Answer. I did not; he said he did; I was up there in March and saw him in it.

By same. How long after you were up there before he left it?

Answer. It was not many days before he left it to go to Minet's to work.

By same. When you were up there did his family live in the said new house with him?

Answer. His wife was living there with him, and child.

By same. When he went to work for Minet where did his wife and child go?

Answer. She went with him to Minett's.

By same. Did he at the same time move all his household to Minet's, or where?

Answer. He at that time took part of his things to Minet's and part to my house.

By same. What things did he take to Minett's?

Answer. He took his working clothing and some bed clothing.

By same. What bed clothing did he take?

Answer. He took some bed-quilts, I suppose, and his clothing?

By same. Do you know that he took quilts to Minett's, or is it only hearsay?

Answer. I know certain he took one; I saw him take it.

By same. What did he bring to your house?

Answer. He brought some pot vessels, piggins and pails, &c.

By same. Did he or not bring all to your house that he did not take to Minett's?

Answer. Yes, sir.

By same. Do you know under what contract he went to Minet's?

Answer. I did not hear the contract; I know nothing of it from my knowledge.

By same. How long did he then stay at Minet's?

Answer. I wont be certain how long; I don't think he staid more than two or three weeks.

By same. Did he and his wife leave Minett's at the same time?

Answer. They both left Minett's at the same time, and went to Tennessee.

By same. What part of Tennessee?

Answer. I cannot tell you.

By same. In what month did they leave?

Answer. In April.

By same. In what month did they return to your house?

Answer. They came there in May.

By same. What time in May?

Answer. A little past the middle of May; they were gone about three weeks,

By same. Can you state from your own knowledge that they left anything at Minett's when they started to Tennessee?

Answer. Yes, sir.

By same. How do you know?

Answer. I heard Minett say so when he came back; he went there after things; he took them up on the mountain to his house.

By same. How do you know this?

Answer. I heard him say so.

By same. When he returned from Tennessee, where did he come to first?

Answer. He came to my house.

By same. When he started to Tennessee did he not start from your house?

Answer. No, sir; I heard him say he started from Minett's.

By same. How do you know what he went to Tennessee for?

Answer. I understood from Billy Gepson's wife that his (James Lawson's) wife's sister was going to move away from Tennessee, and that they went to see her before she moved.

By same. Is or not Mr. Minett, of whom you have spoken, alive and well in this county?

Answer. William Minett, of whom I have been speaking, is alive and still living in this county, and well, as far as I know.

By same. For whom did you vote at the late election? And is not your vote and your son's both challenged?

Answer. I voted for W. C. Anderson for Congress at the late election; they say our votes are both challenged, mine and my son James.

BARTHOLOMEW ^{his} + LAWSON.
mark.

Deposition of George Sumpter, taken at the same time and place:

By Anderson's attorney. Did you or not vote for W. C. Anderson at the late August election; and if so, at what precinct and in what county?

Answer. I voted for W. C. Anderson for Congress at the late August election; I voted at the town precinct, No. 1, in Wayne county, Kentucky.

By same. Where were you raised, and where does your father live?

Answer. I was raised in this (Wayne) county; my father has lived six or seven years in said county, and in the town precinct.

By same. Where have you claimed your residence for the last two years? Tell all about it.

Answer. At my father's; I went from Wayne county to the coal banks in Pulaski, to work, in March, 1857, and remained there until in December, off and on; sometimes at home; I then went to Nashville on a coal boat, came back, went to Pulaski, staid two weeks, then came home in February, 1858, worked at Pleasant Grove town precinct, Wayne county, some fifteen or sixteen days; then came home, staid a few days, then went to Robertsport, in Wayne county, and went to school some five miles from Robertsport one month; I then worked one month for Wiley Johnson at Robertsport, then returned home; was backwards and forwards from home to Robertsport until February, 1859, at which time I hired to R. H. Cecil to work on his farm in Mercer county, Kentucky; I remained with him until July 29, 1859, then came home and voted; I returned to Mercer a few days after the election, worked for Cecil one week or more, then worked for Dean, in Mercer, forty-two days; I then returned home, and have been in this county ever since, except when visiting; I considered my father's my home all the time.

By same. When you went to Mercer county did you go to stay, or with the intention of returning?

Answer. I went with the intention of returning home to my father's in April or May of the same year, but did not get off until the time above mentioned.

By same. Were you not requested and urged to vote in Mercer county at the May election of 1859? If not, why?

Answer. They wanted me to vote there at the May election, 1859; I told them it was not my home and that I could not vote there, and did not vote there.

By same. Have you or not always voted here?

Answer. I have always voted at the town precinct, Wayne county, Kentucky, to the best of my recollection.

By same. Did you or not write some letters, and to whom, while you were staying in Mercer county? If so, make them a part of your deposition.

Answer. While in Mercer I wrote several letters; one in April to my brother Joseph; one on May 11 to my mother, brothers, and sisters; a third letter on 17th June to my father and mother, all of which, marked A, B, C, I make a part hereof; these letters I mailed to the persons to whom they were addressed at Monticello, Wayne county, Kentucky.

By same. Did you ever leave your father's when you went to Pulaski, or any other place, with the intention of not returning, or of giving up your residence and home at your father's?

Answer. I never left my father's with the intention of giving up his house as my home. I always intended to return. When I went to Pulaski, I went with the intention of returning to my father's. I had no fixed time of returning. I, however, came home and voted while staying in Pulaski.

Cross-examined.

Did you or not come from Mercer county down here just before the August election last for the purpose of voting, and on no other business?

Answer. Yes, sir; I came to vote and on other business.

By same. Do you state certainly that you never voted elsewhere except in Wayne county, Kentucky?

Answer. Yes, sir.

By same. Are you certain that you have never voted outside of the town precinct in which your father lives?

Answer. If I did I don't recollect it.

By same. How old are you?

Answer. Twenty-eight years old the 18th day of last May.

By same. How many times have you voted in the town precinct, No. 1, and for whom, if you remember?

Answer. I have voted for P. C. K. Buster for legislature; for Anderson twice for Congress, and for E. L. Vanwinkle, and for F. T. Fox, and Flem Bates, for sheriff, and for Shelby Coffey, jr., this year.

By same. When in Mercer, did you or not have all you possessed with you?

Answer. No, sir.

By same. What was left behind and where was it?

Answer. The biggest part of my clothes were left behind at my father's.

By same. While in Mercer county, Kentucky, where was your washing done?

Answer. At Mr. Cecil's, in Mercer county, Kentucky.

By same. Have you ever had any settled place of business or employment since you were 21 years old?

Answer. No, sir.

By same. Have you worked any at your father's since you were 21?

Answer. Yes, sir.

By same. How long at any one time?

Answer. I don't recollect; not more than a year ago I helped him work out his corn.

By same. Did you ever work at your father's as much as a month at a time?

Answer. I think I have.

By same. When was it?

Answer. I don't recollect; I have worked there, off and on, frequently; I did not think I would have to remember it.

By same. Have you worked there any since your return from Mercer county; and if so, how much?

Answer. Yes, sir; I worked a piece of a day.

By same. How much have you worked there, as well as you can recollect, in the last two years?

Answer. In July or August, 1858, I worked two days that I know of at father's; this is all I recollect, except the piece of a day I have spoken of.

By same. Where are you now living?

Answer. My home is at father's; I have been working at Robertsport, in the Mill Spring precinct; I am now going to my father's.

By same. Do you own any property at your father's?

Answer. No, sir.

By same. Did you not claim your father's as your home for the purpose of getting a vote while you were in Mercer county?

Answer. No, sir, (with emphasis.)

By same. Have you listed for taxation with the commissioner of tax this year in Wayne county?

Answer. I think, since Roberts was elected commissioner of tax, my father has listed for me once. I have listed every year except one for myself, and my father listed for me, is my understanding from the assessor, for that year.

By same. State, as well as you recollect, how many days you staid at your father's at each and every return you made to your father's?

Answer. I came from Pulaski in April, 1857, and staid a week, I think; the next time I came home from Pulaski again in June, 1857, and staid three days; I also came home sometime in July, and staid, I think, fifteen days at father's and at Monticello; I next returned home from Pulaski in October, 1857, and staid a week; I next returned sometime in December, same year, from Nashville, and remained until the last of January, 1858; I then went to the coal banks, and returned in February of the same year; I don't recollect how long I staid at father's on this return; I don't know where I next went. The next work I did was at Pleasant Grove; last summer I went backwards and forwards to Pulaski county to collect my money; next after working at Pleasant Grove I went to school some miles

(about five) from Robertsport; I came to father's while going to said school, and kept my washing there. The school I went to is about $18\frac{1}{2}$ miles, the way I go. I did not go to father's for clothes every week; I took clothes to do two weeks at a time. When I quit school I returned to father's, and staid I don't recollect how long; I then went to Wiley Johnson's and worked a month; while at said Johnson's I hired a black woman that lived there to wash for me when I did not come home. When the month was out I returned to my father's, and went backwards and forwards to Robertsport, and goodness knows where else, until I went to Mercer.

By same. For the last 18 months have you had any employment in Wayne county except the month's work at Johnson's and the work at Pleasant Grove?

Answer. I don't particularly recollect whether I have or not; I don't recollect any other.

GEORGE W. SUMPTER.

A.

APRIL 12, 1859.

DEAR BROTHER JOSEPH: I received your letter the 28th day of March, which gave me some satisfaction to know that you all were well at present. I am well at present, hoping when these few lines come to your hands that they may find you enjoying the same blessing. I have not much to write, only I can say that this county is better for hired men. They can do better here than in Wayne county; they can get from fifteen to twenty-five dollars per month. Tell mother to send my clothes by R. H. Cecil when he comes up here, for I want to come home as soon as corn is planted. You wrote to me that you were going to marry. I want you to get somebody to pin a clout to you and her the night you get married, because you will nasty yourselves; because it is common for children to nasty themselves when they are so young; so no more on that subject. I want you to write to me as soon as you get my letter. Tell mother I want her to send me word if my sweet-heart is married or not; tell her she knows which one; it's the light-haired girl over the way. I want to hear from home every month; write to me, and I will to you. Direct your letters to Harrodsburg, Mercer county, Kentucky. So I shall close my short epistle.

I remain your affectionate brother,

G. W. SUMPTER.

B.

MAY 11, 1859.

DEAR MOTHER: I received your letter the 2d day of May, which gave me great satisfaction to hear you were well, and all the rest of the family were well. You said that you wanted me to come home according to promise, but I cannot come as soon as I expected to, because we have not any time to stop, on account of our corn; it

has been so wet here that we did not get our corn planted as soon as I thought we would, but you may look for me as soon as I can get off well, by the first of August, if I live and nothing happens to me, because I want to vote for Bell and Coffee. I have nothing to write to you unless that I am well and doing very well.

Mother, I want you to send my coat and waistcoat by R. H. Cecil when he comes up here, and my summer pants also to me, because I don't want to buy anything up here, for I want to save my money to pay my debts when I come home. Tell Marion I want to know how he gets along, and what he has done with his trial in court. I must bring my letter to a close.

Remaining your affectionate son,

G. W. SUMPTER.

C.

MERCER COUNTY, KY., *June 17, 1859.*

DEAR FATHER AND MOTHER, AND SISTERS AND BROTHER: I now take my pen in hand to inform you all that I am in pretty good health, hoping that when these few lines come to your hands they may find you all enjoying good health. I received your letter the 14th of June; I found you all were well. You said that you wanted me to come home as soon as I could. I will come about the last of July if nothing happens. I have nothing new to write to you all, only we have fine corn crops up here. R. H. Cecil and family have got here safe. I must bring my letter to a close by saying that I will come home before I write any more. Mother, don't think the time long, for I will come as soon as I can. I want to get my money to pay my debts.

So nothing more at present, but remain your dutiful son,

G. W. SUMPTER.

Also the deposition of E. L. Van Winkle, taken at the same time and place:

Question by Anderson's attorney. Did you or not give a deposition for James S. Chrisman in this contest?

Answer. I did.

By same. State what you heard James S. Chrisman state since the election in reference to his contesting the seat of W. C. Anderson, and what he stated in reference to mileage and per diem?

Answer. I think I have heard him speak of that subject as often as twice. He said the contest would not cost him anything; that, if beaten, his mileage and pay would cover his expenses; that those of his party would not charge him—at least many of them would not. I think I remarked to him that I understood the rule to be that the contestant got pay; he said yes, and that and his mileage would about cover his expenses, except his bills at Washington.

By same. In your former deposition you stated that you saw some of the poll-books of Boyle county in the possession of Mr. W. C. Anderson. State whether or not said Anderson returned them to the

clerk's office the next morning afterwards. Tell all you know about it. Was or not the comparison made by the county board before said Anderson had said books?

Answer. It was on Friday night after the election that I saw the poll-books at Mr. Anderson's, on the day before the board had examined the poll-books and forwarded their certificate; so I understood; I don't know that Mr. Anderson had all of the poll-books with him; he and Cowan were looking over them, Cowan making or taking notes with a pencil; I laid down on the bed, and after a little fell asleep; when I awoke they had quit the examination, or were just closing up the matter; Anderson and myself went to bed and slept together; we got up late next morning, breakfasted, and started up town; that Mr. Anderson had the poll-books with him is my recollection; we separated, I went to my tavern, he towards the clerk's office.

By same. Were or not the poll-books altered in your presence at any time, or with your knowledge?

Answer. They (the poll-books) were never altered in any particular in my presence. nor have I any knowledge that they were altered at any time.

Cross-examined.

Did you or not hear many of Mr. W. C. Anderson's public speeches while making the canvass for Congress last summer? if so, did he or not declare, in substance, in some of those addresses, that if he were elected to Congress he would vote for a democrat against a black republican for Speaker of the House of Representatives, and also that he would vote for a democrat for President of the United States in 1860 against a black republican, in the event the election of President should devolve on Congress?

Answer. I have heard Mr. W. C. Anderson say in his public speeches that he would vote for an opposition Speaker of the House, and if he could not get his man he would, in a contest between a democrat and black republican, vote for the democrat for Speaker; I don't remember ever hearing him say that if the presidential election got before Congress he would vote for a democrat against a republican; he may have so declared, but I don't remember it.

By Anderson's attorney. Has or not J. S. Chrisman, ever since the organization of the republican party, been unmeasured in his abuse and denunciation of that party, its men and measures; and did he or not in his speeches last summer rank them as an opposition party to Buchanan's administration?

Answer. He has been the most bitter denunciator of the black republican party that I have heard in Kentucky, at least that is my opinion, and I have heard a good many public speakers on that question. He ranked the black republicans as the oppositionists of democracy, and the opposition south as the aiders and comforters of the black republicans, that is, the leaders of the southern opposition. Mr. Anderson always expressed himself as being opposed to the measures of the republican party upon the subject of slavery, &c.

E. L. VAN WINKLE.

The further taking of depositions is adjourned until Monday, December 5, at 8 o'clock, a. m., this December 3, 1859.

G. W. MILLS,
Presiding Judge Wayne County Court.

Met pursuant to adjournment, Monday, December 5, 1859, at 8½ o'clock, a. m.

Also the deposition of L. P. Baker, taken at same place, on December 5, in same cause, being of lawful age, and first sworn, says:

Question by Anderson's agent and attorney. Have you ever talked with A. K. Russell in reference to the intention of stay in Monticello; if so, when and what did he say?

Answer. I had a conversation with said Russell in last May or June, in which he told me he had come here for the purpose of reading law.

By same. Had you ever any other talk with him in reference to same subject; if so, state what was said?

Answer. I never had any other conversation with him on that subject. I will state, however, I met with him about two or three weeks before the election; he had just returned from Pleasant Grove, in this county; he had been disappointed in getting a school in this county, and was complaining very much of James Jones about the matter, and said he was going to make one other effort to get a school, and if he did not succeed he was going to leave the damned county. He stated that it was not his intention when he came to this county to teach school, but concluded to do so after he came here.

By same. Did he or not go to Columbia a week or two before the election?

Answer. I can't say where he went; he went off somewhere before the election; I don't recollect how long he was gone.

By same. Has he not left the county? When did he leave?

Answer. My recollection is, he left here about ten days after the election; I think he was here since a few days—may have been here twice. He is now gone.

By same. Are you not deputy sheriff of this county? Do you or not know all the voters in district No. 1? Was there but one A. K. Russell who voted at said district? Was there but one G. W. St. John in this district at the last August election?

Answer. I am deputy sheriff of this county. I can't say I know all the voters in said district. Don't know but one A. K. Russell who was in said district, which is the one I have mentioned. There was but one George W. St. John here at the last election that I ever saw or heard of.

By same. Is not the votes of A. K. Russell, G. W. St. John, and E. F. Waldon recorded on the poll-book of district No. 1 of this county for the last election? For whom did they vote in the congressional election?

Answer. The votes of G. W. St. John, A. K. Russell, and E. F. Waldon are recorded on said poll-book. They are recorded for J. S. Chrisman for Congress.

By same. State what you heard J. S. Chrisman state with reference to amended certificates being sent before the State board ; state when he said it.

Answer. On Sunday evening after the late election, according to my recollection, Chrisman received some news from Green county which he thought elected him ; Chrisman said he had beat them. Some person asked him what he was going to do with the amended certificate from Boyle county. He said it was too late ; that it was a know-nothing trick ; that they had examined the books, and if there was any mistake they had done it themselves, and that it was too late to rectify it ; that they could not cheat him out of his election in that manner. This is my recollection of the remarks made by Chrisman upon that subject.

Cross-examined.

Where does the said A. K. Russell's mother live ?

Answer. She lives with Dr. Clemens, in Monticello, Wayne county, Kentucky.

By same. How long has she lived here ?

Answer. About the last of January, 1859.

By same. Did she or not settle here with such of her children as were not grown up and left, and has been living here with her family ever since.

Answer. Dr. Clemens, of this place, married the said Mrs. Russell's daughter, and brought her home here ; and soon thereafter Mrs. Russell and the said A. K. Russell, her son, came over and lived, is my understanding, with the said Dr. Clemens.

By same. Did or not Mrs. Russell bring her property with her, including a family of negroes, and has kept all here ever since ?

Answer. She did bring with her some negroes, and perhaps other property, which have been with her ever since. I don't know of any other property.

By same. Did or not the said A. K. Russell make his home with his mother during his stay in Wayne county ?

Answer. My understanding was, that he and his mother were both living at the said Dr. Clemens'.

By same. What age was A. K. Russell, and was he single or married ?

Answer. He was a single man, and may be twenty-three or twenty-four years old from his looks.

By same. Do you know anything of his bringing property here with him or taking any away ?

Answer. No, sir, I do not.

By same. Look on the last page of the poll-book of Mill Spring precinct No. 6, and also on the ——— page of the poll-book for precinct No. 3, and state whether either of those pages are signed by the respective clerks of the election in August last at said precincts ?

Answer. I have examined the last page of the poll-book for precinct No. 6 at the last August election, and find the last page thereof not signed by the clerk of the last August election ; there is recorded on

said page five votes for Chrisman and four for Anderson. Also I find one page of the poll-book of district No. 3 for the last August election not signed by the clerk thereof; on this last page there is recorded for Anderson sixteen votes, and for Chrisman eight votes.

By same. How and when did you first learn that a mistake was made against Anderson in the certificate of the county board of examiners for Boyle county, and that an amended certificate would be made and forwarded by the said board correcting the mistake?

Answer. The first that I heard about it was on Wednesday or Thursday week after the election, I think.

By same. Did or did not Mr. Chrisman leave here on Tuesday week next after the election?

Answer. He left here not long after the election. I expect it was on Tuesday week next after the election.

By Anderson's attorney. You have given a statement of Major Chrisman's in regard to the Boyle amended certificate; state now whether it was not the Adair certificate that he spoke of.

Answer. My impression is, that Baker's vote, which is reported as having been counted improperly for Chrisman in the Adair county certificate was spoken of. Also, I think the Boyle amendment was spoken of. Mr. Chrisman's remark applied to both amendments; at least that is my recollection.

By same. Do you know Jesse Cox, who gave a deposition in this contest at J. S. Chrisman's instance?

Answer. I know the man.

By same. What capacity has he, if any?

Answer. I don't know much about him. From my knowledge of the man, I regard him as a man of not much mind.

By same. You will state whether or not the page of the Edwards district, No. 3, which is not signed by the clerk, and which gave Anderson sixteen votes, and Chrisman eight, is or not attached to the book, and in the handwriting of Jabez Edwards, the clerk of said election?

Answer. I was present at that precinct and saw a great many votes taken. I know Jabez Edwards' handwriting, who was the clerk of the election at said precinct, and I say that the page described in the question is in his handwriting. Said page is in the body of said poll-book, and all fastened together, with the certificate of officers of said elections appended to the back of the book. And the same is true in regard to the Mill Spring poll-book for precinct No. 6, or that page of it is which is not signed.

Re-examined by Chrisman's attorney.

Which did you hear of first, the mistake in the Boyle certificate, or the mistake in the Cumberland certificate?

Answer. The Boyle certificate first, I think; near a week first.

By same. Did you hear of the mistake in the Cumberland certificate before Chrisman's return after he left here on Tuesday week next after the election, as you have stated?

Answer. My recollection is, I did.

By same. Do you or not know five hundred men in Wayne county, Kentucky, whose minds you think are as weak as Jesse Cox's?

Answer. I don't think there are many.

By same. Have you had any business transactions with him?

Answer. No; I never had anything to do with him, except I was after him for his taxes.

By same. Did you hear him give a deposition in this case?

Answer. I heard nothing of it that I understood.

By same. Did you or not hear Mr. W. C. Anderson declare on the stump, in the late canvas, in substance, that if he were elected to Congress he would vote for a democrat for President against a black republican, in the event the election of President devolved on Congress?

Answer. I don't think I ever did.

L. P. BAKER.

Also deposition of Nancy Massengill, same time and place:

Question by Anderson's attorney. Are you or not the mother of William Massengill?

Answer. I am. His name is William Monroe Massengill.

By same. Do you know his age? and if so, tell it.

Answer. To the best of my recollection, he was twenty-two years of age last Thursday, (1st day of December, 1859.) The record of my children's ages has been lost. The only way I have to come at his age is by counting back by the ages of my other children.

By same. What is the age of your youngest child?

Answer. It is dead. If living, it would be about seven years old. I can't give the month. I laid six months confined after its birth.

By same. How many children have you?

Answer. I have given birth to thirteen; seven living and six dead.

By same. How many children born before William Monroe?

Answer. Two; that is, he is the third one.

State the time between the birth of your children.

Answer. In general near two years; this is my recollection.

By same. Did not said William Massengill live in Wayne county, on South Fork, at the date of the election in 1859?

Answer. Yes, sir.

Cross-examined.

Is your husband living or dead?

Answer. He is dead.

By same. In what year, month, and day did he die?

Answer. He will have been dead three years the 25th day of January next.

By same. In what year and month were you married to him?

Answer. I can't tell you how long it has been.

By same. What was the name of your eldest child?

Answer. Delany.

In what month, year, and day was she born?

Answer. The 6th day of July; I can't tell the year.

By same. What is the name of your next child?

Answer. My two oldest children are dead; they were named Sarah and Elizabeth; the said Delany is the oldest living child.

By same. Which was born first, Sarah or Elizabeth?

Answer. Sarah.

By same. In what date was she born?

Answer. The first of June; I can't tell the year.

By same. In what date was Elizabeth born?

Answer. The first day of March; I don't know the year.

By same. What was the name of your next child to Delany?

Answer. Matthew.

By same. When was he born?

Answer. The third day of October; I don't know the year.

By same. What is the name of your next child?

Answer. Monroe, or William Monroe.

By same. What is the name of your next child?

Answer. Polly.

By same. When was Polly born?

Answer. The third day of May; I don't know the year.

By same. What is the name of your next child to Polly?

Answer. Louisa; she was born in June, sometime about the middle; I don't know the year.

By same. What is the name of your next child to Louisa?

Answer. Serepta Susanna; she was born sometime along in January; I don't know the year.

By same. What is the name of your next child, and when was it born?

Answer. Nancy; she was born the 11th day of February; I don't know the year.

By same. What is the name of your next child, and when was it born—next to Nancy?

Answer. John; I don't remember when he was born.

By same. Give the name of your next child, and of each successive child, and the date of each one's birth, as well as you remember.

Answer. Next to John is Dempsey; I don't know the month Dempsey was born, nor the year. Those who died, including John and Dempsey, who died from the breast, I did not pay so much attention to them. My next was named Franky Ann; she was my last living child; she was born the last day of January; I don't know the year. My next and last child was named Adam; he is dead; he was born the first day of December; I don't know the year.

By same. When was William Monroe Massengill born?

Answer. The first day of December; I don't know the year.

By same. On what place did you live when he was born?

Answer. We lived in Morgan county, Tennessee, when he was born.

By same. How long did you continue to live on the place where your son Monroe was born after his birth, and give all your successive moves from that time to this, and how long you remained at each place.

Answer. I moved from the upper part of Missouri to Morgan

county, Tennessee, when I had only one child. I then remained there on the same place that my son William Monroe was born until all my children were born. I then moved to Kentucky, going on three years ago, to the place where I now live.

By same. How do you calculate the age of your youngest child, or the last one, which is dead?

Answer. On account of my husband being dead, and the time he died.

By same. What time did he die, and when did the last child?

Answer. It lived five months and three weeks after its birth; I don't know when it was born.

By same. How long before your husband's death did the last child die?

Answer. The child died about three years before my husband died.

By same. Have you or not been told that if your son voted before he was twenty-one years old that he would be indicted and punished for it?

Answer. No person ever told me that my son would be prosecuted if he was under twenty-one at the time of voting.

By same. Have you or not known, and now know, that it is a violation of law for a young man to vote before his majority?

Answer. That's what I have heard folks say.

By Anderson's attorney. You have said that William Monroe was your third child; do you mean the third living child or the third counting living and dead?

Answer. I meant that he was the third living child.

NANCY ^{her} × MASSENGILL.
mark.

Also the deposition of Polly Hughes :

By Anderson's attorney. Do you or not know John Hughes, who now lives at J. W. Marron's?

Answer. John Hughes is my son. The last of July was a year ago he was living at John W. Marron's, in Clinton county; he lives there yet, so far as I know.

By same. Do you know his age; if so, give it. When was he born?

Answer. He was born the 10th of September, 1838; he is going on twenty-two years of age since the 10th of September last; he was twenty-one years of age on the 10th of September last.

By same. Did you keep a record of his age?

Answer. His age was set down in my husband's nephew's book; the book was taken off by said nephew when he left this country—having married before he left.

Cross-examined.

How many children have you?

Answer. I have had seven.

By same. Give the particular dates in which each was born, commencing with the first, and proceed as they were born successively?

Answer. My first was born the 7th day of November, 1835. My next, John Allen, was born September 10, 1838; John was two years and from the 10th of September until the 17th of June older than my next, Delila Ann Elizabeth; Delila was two years and from the 17th of June till the 26th of November older than Nancy Jane, my next child; Nancy Jane was two years and from the 26th of November until the 10th of June older than Maritta Ellen, my next child; Maritta lacked from the 16th of May until the 10th of June of being two years older than William James, my next child. My next is Elvira Narcissa. William was two years and from the 16th of May until the 14th of June older than Elvira Narcissa, which is my last child.

By same. In what years were each of your children born, if you know?

Answer. Say yourself. If I was out to myself, and had time to count myself, I could tell the day and date every one was born in. You have the times they were born, one after the other, before you.

By same. What enables you to remember so readily that John was born in the year 1838 and Calvin in 1835, and why can you not remember with equal readiness the years in which the others were born?

Answer. Because the rest of their ages were not set down.

By same. In giving 1838 as the year in which John was born, is it merely your memory of the Bible record of his age about which you have spoken?

Answer. That's the way the young man set it down. He, John, was four or five years old when his birth was set down; the young man told me that he had counted up his age from what I told him, and said he was born in 1838.

By same. Could you read the register?

Answer. I have no learning, and could not read the register.

By same. How long since the young man set down his age?

Answer. I can't tell you that; it's been several years back.

By same. Who consulted you about his age, and how did they discover what you know on the subject?

Answer. James Hicks is the only one until I was summoned.

By same. Do you or not know that it is a violation of law for a young man to vote under twenty-one?

Answer. I've always heard that said. Witness says she lives in Wayne county, on the waters of Otter creek.

her
POLLY + HUGHES.
mark.

Also the deposition of John Sloan, sr.:

By Anderson's attorney. Are you or not acquainted with John Sloan, jr.?

Answer. I am, monstrous well; he is my nephew.

By same. Where did his father live before the late August election?

Answer. He lived in Clinton county, Kentucky.

By same. Did not said John Sloan, jr., go with his father to Clinton when he moved there?

Answer. No, sir.

By same. Where did John Sloan, jr., live at the late August election? Tell all you know of his residence, and what he told you, if anything.

Answer. John Sloan, jr., my nephew, was making a crop this summer at Riley Hicks', in this (Wayne) county, Edwards' precinct. He quit there about three weeks before election, and went down to his father's, in Clinton county, Kentucky. He got one of his brothers to come up and work a week and lay by his corn. I saw John no more until Friday week before the election; he came and staid all night with me that night. I asked him if he had quit Hicks. He said he had. I told him he had lost his vote. He said he would slip in and vote; that witness voted at a different precinct, and could not be at Edwards' to prevent him (John) from voting.

By same. Did he or not tell you that he was at that time living at his father's, in Clinton county?

Answer. He said that he lived at his daddy's at that time.

By same. Did he or not tell you that all his clothes were at his father's, except one coat, and did he or not tell you that he was going that morning by Hicks' to get the coat and go home to his father's?

Answer. He said his brother had taken his clothes to his father's, except one coat, and that he was going the next morning by Hicks' to get that coat, and quit Wayne and go to his father's.

By same. Did he or not go on to Clinton and remain there, and does he or not still live in Clinton? Has he or not lived in Wayne since the night he staid at your house?

Answer. He went on to Clinton, and has remained at his father's ever since, as far as I know. He has not lived in Wayne county since the night he staid all night with me. He came back this fall and gathered his corn, and then went back to his father's, at least he has so told me. It may be he may have spent part of his time at his brother's, who lives in Clinton; at least that is what I have understood.

Cross-examined.

What time did the said John Sloan, jr., set in to make a crop at Hicks'?

Answer. I can't tell you.

By same. Can't you remember the month and year?

Answer. No, sir; I never took any notice of the month nor year, nor anything about it; you know better yourself.

By same. What voting precinct does the said Hicks live in?

Answer. In Edwards' precinct, No. 3.

By same. Where did said John Sloan's father live before he moved to Clinton county?

Answer. In Wayne, Mullintown district, No. 2.

By same. Did John go to Hicks' before or after his father moved to Clinton county?

Answer. He went to Hicks' before his father moved to Clinton.

By same. How many times were you at Hicks' and saw John there after he went there to live?

Answer. I cannot tell you ; I was there ; I saw him there.

By same. State the last time you saw him there.

Answer. I can't tell you ; I saw him in the cornfield at work time after time last summer.

By same. Were you ever at his father's, in Clinton county?

Answer. Yes, sir ; twice.

By same. When were these trips made?

Answer. One before and one since the election ; I won't say point-blank ; one was made since, I know.

By same. Where did John Sloan keep his washing when he lived at Hicks'?

Answer. Kept it there, I expect ; I don't know ; I guess he did.

By same. Do you know when he left Hicks?

Answer. No, sir, I don't ; I know he left there two or three weeks before the election.

By same. How do you know this?

Answer. He came up to my house on Friday week before the election and staid all night with me. I joked him about the election, and the way he was going to vote. I told him he left Wayne to go to his father's, and that he should not vote. He laughed, and said he would dodge in and vote ; that I would not be at the same precinct ; and I told him if he did, it should not count.

By same. You and he were rather joking together and disputing about politics, were you not?

Answer. Yes, I did joke him that night and that morning.

By same. Did he or not laugh and joke you also about the matter?

Answer. Yes, some ; he can't laugh very much ; he laughed sort of dead ; he did not know hardly what to say.

By same. In what season of the year did his father move to Clinton?

Answer. I can't tell you that.

By same. In what month of the year did the last election come?

Answer. I would guess it came on the first Monday in August.

By same. Was there any other election in this year except the August election?

Answer. I guess not.

By same. When was the last election in Wayne county before the last August election?

Answer. You are too hard for me now.

By same. What State do you live in?

Answer. Wayne.

By same. What month is this?

Answer. It's December.

By same. Is this or not Wayne county?

Answer. It is.

By same. Is this Tennessee or Kentucky State?

Answer. Kentucky.

By same. When you said this was Wayne State, did you or not mean it was Wayne county?

his
JOHN + SLOAN.
mark.

Also the deposition of Thomas Lair, taken at the same time and place :

By Mr. Anderson's attorney. State whether or not you know Williams Boston ; if so, tell all you know of his residence before the late August election.

Answer. I know Williams Boston ; he was living at my house, hired to make a crop this summer ; he remained until about the last of June or first of July, when he left and was gone some three weeks ; when he returned I saw him on the mountain, above Sally Boston's, near Monticello ; the next place I saw him was in my field in the road ; this was some two months, perhaps not so long, before the election.

By same. Did you or not have a family difficulty with him on his return ? If so, tell how it was settled.

Answer. We had previously had a family difficulty ; he sent me word that he wanted to see me, and did not want to leave me mad at him ; I agreed that he might come to the field where I was at work and see me ; he did so, and agreed that if I would let him alone he would go off and not pester me ; in pursuance of said agreement, he started off.

By same. Did he or not take all of his clothes and other articles belonging to him when he left ?

Answer. On that occasion he took off all of his things that I knew anything of.

By same. Did he or not agree to leave the country ?

Answer. He said he would go clear off, or go off and leave the neighborhood.

By same. Did he or not, in a conversation with you, tell you that he was going to Nashville or Clinton county to live ?

Answer. No, sir ; I don't think he did.

By same. Did he or not go to Clinton county when he left you at the field ; if so, how long did he remain, and where is he now ?

Answer. I know nothing of my own knowledge what became of him ; I don't know where he is now.

By same. After he left you at the field, have you seen him since ?

Answer. Yes, sir ; I saw him some two or three times at Genama Young's, in Wayne county, about four or five or six or eight days before the election.

By same. When he agreed to go off and leave you, did he or not claim the privilege of writing to you ?

Answer. He did.

By same. Have you seen him in this county since the election ?

Answer. I think I have, but won't be positive.

By same. Does he now live in this county ?

Answer. I don't know where he lives ; I don't know anything about him.

By same. Had he any other home in Wayne county than your house when he left your house ?

Answer. No, sir ; not that I know of.

Cross-examined.

When he talked with you last at your new ground, did he have any clothes with him except what he was wearing?

Answer. I don't know that he had.

By same. How do you know, then, that he took his clothes off with him?

Answer. Some three weeks, or near it, prior to the time I talked with him at my new ground he had removed his clothes from my house.

By same. Do you know where he took them to?

Answer. I do not.

By same. Do you know of your own knowledge that he has ever been outside of Wayne county?

Answer. No, sir, I don't.

By same. Have you ever received a letter from him?

Answer. No, sir.

By same. At the time he talked with you at your new ground and promised to go off and leave the neighborhood, and requested permission to write to you, was he or not trying to reconcile you on account of a serious injury which he had inflicted on some of your family; and for that purpose was he or not rather begging your pardon and pacification?

Answer. He had inflicted a wrong on my family, and was trying to pacify and beg me for reconciliation on account of that injury.

By same. Are you not satisfied that he had failed to stand up to the agreement he made with you?

Answer. He did fail to stand up to the agreement he made with me.

By Anderson's attorney. Is or not the name of William Boston recorded upon the poll-book of the town precinct of Wayne county; if so, for whom did he vote for Congress?

Answer. I have just examined the poll-book of the town precinct of Wayne county for the August election, 1859, and find the name of William Boston recorded there for J. S. Chrisman for Congress.

By same. Are you or not acquainted with the Boston family; if so, is there any other William Boston who has lived in Wayne county other than the one of whom you have spoken?

Answer. I am acquainted with said family. I married one of them, and know of no other William or Williams Boston than the one spoken of.

his
THOMAS + H. LAIR.
mark.

Also deposition of William B. Lair:

By Anderson's attorney. State whether or not you were present and heard a conversation between Williams Boston and Thomas Lair a short time before the late August election in relation to said Boston's leaving the country?

Answer. I was present at the time mentioned, and heard such a conversation.

By same. Did or not said Boston in that conversation agree to leave the country, and ask permission to write back that he might hear from Wayne?

Answer. That was my understanding that he was to leave the country, and asked leave to write back.

By same. Did he or not leave, and was he or not gone some time?

Answer. He started then that morning right off, and I never saw him any more until Sunday, two weeks before the election in August, 1859.

By same. Did he or not tell you after his return that he had all his clothing at his sister's, in Clinton county?

Answer. He said his clothes were at his sister's, in Clinton county.

By same. Where is he now?

Answer. I don't know.

By same. Have you seen him in this country for some time?

Answer. I have not seen him for about two months.

Cross-examined.

What time was it, as well as you remember, when he agreed and started off as you have stated?

Answer. It was about the last of June or first of July, as well as I recollect.

By same. Was he or not on the begging order for the purpose of reconciling Mr. Thomas H. Lair for an injury which he had inflicted on his family?

Answer. That was my understanding from him, that he wanted to get Thomas H. Lair in a good humor with him.

By same. Had the said Williams Boston anything at that time except his clothing?

Answer. Not that I know of.

WILLIAM B. LAIR.

Also the deposition of Marion Perdue, taken by consent of both parties :

By Anderson's attorney. Did or not John Sloan, jr., come to your house in June last? If so, tell all he said about where he lived and where he was going to live.

Answer. John Sloan, jr., came to my house one morning in June. I asked him how he was coming on with his corn. He said he would be through with the Hicks' in four or five weeks, and that he would then go home. I asked him what home; he said his father's.

By same. Do you know when he went home to his father's?

Answer. He went home, I think, the first week in July to his father's?

By same. Has he or not been living there ever since?

Answer. He has been there, or somewhere, ever since; out of the county ever since, only when he would pass up to this county backwards and forwards.

By same. Did he or not tell you as he was passing up to this county that he was living at his father's, in Clinton county?

Answer. He said he was living at his father's when I saw him passing up in Wayne.

By same. Does not his father live in Clinton ; if so, how long ?

Answer. His father lives in Clinton ; has lived there ever since last February or March.

By same. Is or not the name of John Sloan, jr., recorded upon the poll-book of the Edwards precinct of Wayne county for the August election, 1859 ?

Answer. I have just examined the poll book for the August election, 1859, held at Edwards precinct, Wayne county, and I find the name of John Sloan, jr., recorded there as voting for James S. Chrisman for Congress.

By same. Are you not acquainted with the Sloan family ; if so, do you know of any John Sloan, jr., or sr., that lived in the Edwards precinct in August, 1859 ?

Answer. I am acquainted with the Sloan family, and know of no John Sloan, jr., or sr., that lived in the Edwards' precinct of Wayne county last August.

Cross-examined.

Where did you live in June last when you heard John Sloan say he would be done with the Hicks' in five or six weeks ?

Answer. I lived in Wayne county, about three-quarters of a mile from Riley Hicks', where John Sloan made his crop.

By same. Do you still live at the same place ?

Answer. Yes, sir.

By same. Have you ever been at John Sloan's father's, in Clinton county ?

Answer. Yes, sir ; I have been there twice since he moved there.

By same. Was John Sloan, jr., there, at either of those times ?

Answer. One time I went there with him, and the other time he came in while I was there, having been somewhere to haul in a load of wheat.

By same. Do you know, of your own knowledge, when he took his clothes from Riley Hicks', in Wayne ?

Answer. No, sir ; I don't.

By same. Whom did you vote for in the last race for Congress ?

MARION PERDUE.

Also the deposition of Jabez Edwards, taken at the same time and place :

By Anderson's attorney. Have you or not just examined the poll-book for the Edwards precinct, No. 3, for Wayne county ? If so, state whether or not a page in the same was or not signed by you as clerk of said election ; if not, state whether or not you can identify it as part of the poll-book of said election as made out by you as clerk of the election.

Answer. I have just examined the poll-book for the Edwards or third precinct of Wayne county, made at the August election, 1859,

and find one page not signed by me as clerk thereof. Said page gives Anderson sixteen votes and Chrisman eight. I state that I was the clerk of said election, and know said page to be all in my handwriting. Said page is in the body of said book, and all fastened together, and the whole book certified by the judges and sheriff of said election, and by me as clerk. I state that said page was a part of said poll-book, and the votes there recorded were recorded by me as clerk on the day of the election, August 1, 1859, and was taken at the same time and place that the balance of the votes were recorded upon said book.

By same. Did or not John Sloan, jr., vote at said precinct on that day, and is or not his vote recorded for J. S. Chrisman?

Answer. John Sloan, jr., voted that day, and his vote is recorded in the said book. I have it now before me. His name is recorded for J. S. Chrisman for Congress.

By same. Is or not said John Sloan, jr., the son of James Sloan, of Clinton, and the nephew of John Sloan, sr., who gave his deposition to-day?

Answer. He is recognized by the Sloan family as the son of James Sloan, of Clinton; also nephew of John Sloan, sr., mentioned in the question.

By same. Did or not Wm. Rule, Emerson Hancock, and C. F. Kidd vote at said August election in the third precinct of Wayne county; if so, for whom did they vote?

Answer. Emerson Hancock, C. F. Kidd, and William Rule did vote at said precinct at the late August election, and I find upon inspection of the poll-book now before me, that their names are all recorded as voting for J. S. Chrisman for Congress.

By same. Who is the father of said Emerson Hancock?

Answer. Thomas Hancock, at least Thomas Hancock recognizes him as his son.

By same. Who is the father of Wm. Rule of whom you have spoken?

Answer. James Rule.

By same. Did or not the C. F. Kidd, of whom you have spoken, sell goods for a while at the Powers place, and then go to California?

Answer. He did sell goods at the Powers place, and went to California, last spring was a year ago, and came back sometime last month.

By same. Was or not James S. Low, who voted at the Edwards precinct at the late August election for W. C. Anderson, sworn before voting; if so, give his statements as far as recollected?

Answer. Said James S. Low was sworn before voting; he stated on his oath that the date of his birth was recorded, and that by said record he was over twenty-one at the time he voted.

By same. Was or not the poll-book of the Edwards precinct sealed by you before you delivered it to the sheriff of the election?

Answer. Yes, sir; it was sealed up and handed over in the presence of the judges to the sheriff of said election.

Cross-examined.

By same. Did or not C. F. Kidd, of whom you have spoken, when he left here leave his family here in Wayne county, and afterwards return to them?

Answer. Yes, sir; he left his family here, but before he got back they had gone over in Tennessee.

By same. How long was it before he did get back?

Answer. I can't tell you, he went off sometime in the spring, a year ago last spring, and returned sometime the following winter.

By same. Was or not James S. Lowe absent from Wayne county prior to the last August election; if so, how long, and where was he, if you know?

Answer. I don't know of his being out of the State unless on a visit, or some business.

By same. State all you know about the residence and whereabouts of David Lowe for the last two years?

Answer. He went off some time ago, and was gone some year or two out of this State, I reckon; he returned in July last, a year ago, and has been living in Wayne county ever since, as far as I know; he lived a good part of the time with me; made a crop with me this season in the Edwards precinct, No. 3.

By same. Do you know of any person not legally qualified, who voted for Anderson in the last race for Congress in this fourth district for Kentucky.

Answer. No, sir; I don't.

JABEZ EDWARDS.

Also the deposition of John Fenston, at same time and place, being duly sworn:

Question by Anderson's attorney. Did you or not vote in the late August election for W. C. Anderson, at district No. 2, in this county?

Answer. I did.

By same. State in which district you resided at the time of said election; state all about the circumstances of your making a crop in district No. 3 last summer?

Answer. I considered that I resided in the district I voted in; I went down in district No. 3 in the winter or latter part of the fall, and rented ground of Coyle, and intended to move there; my wife was then sick and remained so, and crop time came on and I went to tend my crop, and boarded with Coyle meantime; my wife remained at same place in district No. 2, the same in which I voted, and never did leave the same, and I now live with my family at same place.

By same. Did you or not live with your wife in district No. 2 at the time you rented land as aforesaid, and did you ever move out of said district?

Answer. My wife and I lived in district No. 2 at the time I rented said land; after I went to district No. 3 I hired my cooking done, and a part of my washing done there; my wife was not able to do it; I

considered my home in district No. 2, with my wife, during the last summer.

By same. Would you or not return every week or two to your home and your wife, and did you not continue to regard her as your wife, and treat her as such, and was you ever at any time parted from her?

Answer. I would return there every week or two weeks, did not miss but once or twice going every week, sometimes twice a week; I regard her as my wife, and treated her as such, and slept with her when I would return, and yet do; I never separated from my wife with the intention to abandon her at any time; have been married twenty-two years or thereabouts.

By same. Did you or not go to district No. 2 only temporarily to make a crop?

Answer. When I first rented the ground I intended to move there, but did not do so; I went there in the spring for the purpose of making a crop only.

By same. State how it happened that you voted in district No. 3 at the May election?

Answer. A few days before the May election came on, Squire Burrows, who was a candidate for justice of peace, came to me and asked if I would go to the election and vote for him. I told him I was very busy, and did not think I would go; that I did not consider that my district; I told him I had not moved there, and did not know that I should do so unless my wife got well. Burrows then told me that he had been examining the law, and that as I had rented ground there and was making a crop, that it was my voting district, and then I went and voted for Burrows for justice of peace. They did not swear me.

By same. Did you or not abandon the intention of moving to said district altogether, and long before the August election?

Answer. I did; I never did move to said district.

By same. State how it happens that you told French Fenston that you had parted with your wife?

Answer. French Fenston bought several debts on me, and I had some land which descended to me from my mother and sister, and French wanted the land for the debts, and I conditionally sold it to him sometime last spring. French having sold the land and Elias Kelly having bought it, wanted to know when I was going to move; I remarked to him I was making a crop at Coyle's, and asked him if he had not heard that I had parted with my wife; he said not, and I told him he was behind the news. French Fenston also asked me when I was going to move, and I responded I did not know, and repeated the same inquiries and made pretty much the same remarks to him. I made these remarks to French and Kelly just to aggravate them a little and to retain possession of the land; my object was to make them believe that I had no control over my wife, and could not make her yield the possession of the land. I am yet in possession of the land and have been all the time, and intend to hold it until thrown out by law. I did not much like my brother buying up debts on me. These were my reasons for making the remarks.

By same. During the last summer and before the election, when in

the neighborhood of your wife, did you ever fail to go and stay with her?

Answer. I don't know that I did, unless called away by something.

By same. Did you or not have a part of your washing done at home, last summer?

Answer. I did.

By same. Would you or not have had all of your washing and sewing done at home if your wife had not been sick during the summer?

Answer. I would have done so but for the sickness of my wife.

By same. Did you move all your property to district No. 3; if so, when?

Answer. I moved nothing but my farming tools and horse to make a crop with; I did move a bed to sleep on; I did not move all of my property to said district.

Cross-examined.

When you voted at the Edwards' precinct, No. 3, at the May election last, did you think it was or was not your proper voting place?

Answer. I did not know whether it was or not; the esquire had told me so, and I thought he knew.

By Chrisman's attorney. How far was it from the place at which you left your wife to the place where you raised your crop last summer?

Answer. Its some six or seven miles.

By same. What induced you to rent the land of Martin Coil?

Answer. Because I wanted to, and he had it to rent.

By same. Was there any tillable land on the place where you left your wife?

Answer. Yes, sir; some there that could be tended.

By same. Who tended it this year?

Answer. There was not anybody tended the land where I now live and on which I left my wife when I made the crop as before stated.

By same. The land that you now live on and have in possession, then, lay idle this present year, did it not?

Answer. Yes, sir.

By same. Whose possession was it in while you were making your crop at Coil's?

Answer. It was in my possession, sir.

By same. Why did you let your home land lie idle, and rent land some miles from your wife and family to crop on?

Answer. I don't know as that is any of your business. When my mother and sister died, my brother bought some debts on me. He wanted the land and I agreed to let him have it. My wife was sick and refused to leave there until she got well, and since that we both concluded to stay there; he refused paying for it, and then we concluded to stay there,

By same. Did you sell it to your brother, absolutely or conditionally, before you rented of Coil; and if conditionally, what was the condition.

Answer. I sold my land after I had rented of Coil. I sold it to

him to pay up some notes he had bought on me which he was to give up at April court. He refused to give up the notes unless my wife would sign the deed, and she refused to sign it.

By same. As you did not sell till after you had rented ; what made you rent land to tend when you at that time had unsold land in your possession at home ?

Answer. Because I rented better land down there to tend.

By same. Was your wife sick at the time you rented the land of Coil ?

Answer. Yes, sir.

By same. What was the matter ; and was she bed-fast ?

Answer. I don't know what was the matter with her. She was mostly bed-fast.

By same. How long did she remain bed-fast after you rented the land ?

Answer. She is bed-fast yet.

By same. Is she in the same condition she was in when you rented the land ?

Answer. She is sick yet. I reckon she is ; she appears so.

By same. Has she been in this condition ever since you rented ?

Answer. Yes, sir ; she is about the same now she has been all the time.

By same. When you rented of Coil, you intended to move your wife and family to the rented land, did you not ?

Answer. If my wife got well enough to go, I did.

By same. Who did you leave to wait on your wife while sick ?

Answer. I left children there from thirteen years old down to six when I was not there myself. I was frequently there myself.

By same. Was the oldest child male or female ?

Answer. Female.

By same. Was the second male or female ?

Answer. It was male, about nine or ten years old.

By same. Did you and your wife have any difficulty about the time you left and rented the land ?

Answer. No, sir.

By same. Who cooked for you while farming at Coil's ?

Answer. Martin Coil's wife.

By same. Did you not move part of your family to the Coil place ?

Answer. I took an older boy about with me to help to make the crop. The boy I took with me is about twelve years old, and a different boy to the nine or ten year old boy I left at home.

By same. What property did you leave with your wife after moving what you did move ?

Answer. I left a milch cow and provisions for her to go on.

By same. Did you or not go back into the immediate neighborhood where you left your wife and stay all night without going to see her ?

Answer. I think I went to old Billy Gibson's, a mile or upwards from her, and staid one night.

By same. Is this the only night you staid so close to her ?

Answer. Yes, sir ; it is.

By same. Did you attempt to vote at the last August election in the Edwards' precinct?

Answer. No, sir. I did not.

By same. Do you state that you never left the house where you and your wife now live, and told your wife at or before leaving her that you were going to leave her?

Answer. We might have had that talk just to aggravate French Fenston, or Henry Huffaker, or Elias Kelly; but we always understood each other, it was all a joke.

By same. Was either of those men present when you thus talked?

Answer. Some of them.

By same. What strikers of them were present?

Answer. Sometimes one and sometimes another.

By same. Please give their names.

Answer. I said it once in the presence of Cannon Sutherland, once before Charles Owen, and once before old Jo. Owen, because I wanted them to get hold of it.

By same. Have you or not conveyed away the land you now live on by deed?

Answer. I made a deed which is in the hands of Bowlin Roberts and Clark Roberts, and my wife refused to sign it, and my brother, F. Fenton, refused to give up the notes, and it stands so.

By same. Was not your wife able to bear moving safely while you were at Coil's, six or seven miles.

Answer. She said not, and it did not appear that she was.

By same. Was her health the only thing that prevented you from moving to the Coil place?

Answer. It was when I first rented.

By same. Then, if her health remained the same, why would you sell and thereby compel your wife to be removed?

Answer. I did not compel her to move; we never did move; she is there yet.

By same. If the trade you made should be carried out she will have to move, won't she?

Answer. If she had signed the deed she would have had to be moved.

By same. Did you not begin the trade with the intention of carrying it out?

Answer. If it had been carried out with me I would.

By same. Who done what washing you had done at your place when your wife was left while you was at Coil's Crossing?

Answer. Sometimes I hired one, sometimes another, and sometimes my daughter at home done some of it, and I told them to hire anybody, and I would pay for it.

By same. Who done your washing at Coil's?

Answer. Mart. Coil's wife.

By same. When you first went to Coil's was it done at Coil's or at home?

Answer. At home.

By same. Did you afterwards have it done at Coil's?

Answer. Yes, sir.

By same. Why did you move it from home to Coil's?

Answer. Sometimes I would change my clothing at Coil's, and Mrs. Coil said she would wash for me; I had to hire it all done any how.

By same. Whom did you vote for at the late August election for Congress?

Answer. For W. C. Anderson.

his
JOHN + FENSTON.
mark,

Also the deposition of John B. Ingram, taken at same time and place:

By Anderson's attorney. State whether or not you know George W. St. John, the brother-in-law of Ezekiel Smith?

Answer. I do.

By same. Did you or not see him in Georgia last May; if so, what did he tell you about coming to Kentucky?

Answer. I saw him last May in Georgia; I asked him when he was coming to Kentucky; he said he was going home to his father's in Virginia before he returned to Monticello.

By same. Is there any other man of the name of Geo. W. St. John living in this town, district No. 1?

Answer. None that I know, or ever heard of.

By same. Is or not the name of George W. St. John recorded on the town precinct poll-book for Chrisman?

Answer. I have just looked at the poll-book of the town precinct of Wayne county for August election, 1859, and find the name of Geo. W. St. John recorded there for J. S. Chrisman for Congress.

JOHN B. INGRAM.

Also, the deposition of John M. Morris, taken at same time and place:

By Anderson's attorney. State whether or not you are acquainted with Cebon Crutchfield, jr., son of John Crutchfield?

Answer. I am.

By same. Did he or not leave this country some time ago and move to the west; if so, tell when, and when he returned?

Answer. Cebon Crutchfield, jr., son of John, left this country some two years ago this last fall, and was gone about one year.

By same. Did he or not go off a second time, and how long was he gone, where did he go, and when did he return?

Answer. He went off the last time, last spring was a year ago, and was gone until about the middle of November, 1858—that is a little more than a year ago—when he returned the second time.

By same. Did you or not have a conversation with him after his return from his first trip; and what did he tell you in regard to his home?

Answer. I asked him how he liked Iowa, he said he liked it fine, and that he was going back there.

By same. Did you or not have a conversation with him after his second return from Iowa; if so, what did he say as to his living there?

Answer. After he came back the second time he said he had come

back to get some learning, that he had bought land in Iowa and was going back to it, that he could do better there than he could here.

By same. Is or not said Crutchfield a young man without property in this country?

Answer. He is a single and young man; I live in a half mile of where he staid, at his father's, and if he has any property I don't know it.

By same. Is or not the name of Cebon Crutchfield, jr., recorded on the poll-book of the Mill Spring district, Wayne county, as voting for Chrisman at the last August election?

Answer. I have the said poll-book of said election before me, and I find the name of Cebon Crutchfield, jr., recorded as voting for J. S. Chrisman for Congress.

By same. Are you or not acquainted with the Crutchfield family; if so, how many Cebon's are there in said family?

Answer. I am acquainted with all the Crutchfield's that live in Wayne county; there are two of the name of Cebon, the one of which I have spoken and his grandfather, an old man.

By same. Are not both their names recorded on the aforesaid poll-book as voting for James S. Chrisman for Congress?

Answer. I have just examined said poll-book, and find both of their names recorded for James S. Chrisman for Congress.

By Chrisman's attorney. The second time said Crutchfield went from this country did he or not go off down the Cumberland river on a coal boat as hired?

Answer. Yes, sir; he did.

By same. Was he or not poor at the time he left, and destitute of money with which to buy land?

Answer. He was a poor boy; he left one horse at his father's when he went off the first time, he then returned, as I have stated, went off again, and still left his horse at his father's, taking with him some clothes, I expect all he had, and while out there in Iowa, the second and last time, he wrote back that he had sold his horse for land to his uncle, and since that his uncle has come to this country and got the proceeds of the sale of the horse.

By same. When he left, both times, did he or not leave his father's and return both times to his father's and remain there each time till he left again as stated?

Answer. While in this county he always made his home at his father's.

By same. Has he or not been at school here a good deal since his last return from Iowa?

Answer. He has went one session; then he taught a school in our school district; then was down about Monticello where he had been in Mr. Burton's school one session, as I have stated, before he taught for us and went to Burton's school again afterwards, as he told me, and then left and went to Georgia as a hireling with a drove of horses, and has not yet returned.

By same. Has he or not divers relations in Iowa where he went?

Answer. He has some uncles there.

JOHN M. MORRIS.

Also the deposition of Hatson T. Burk, taken at the same time and place :

By Anderson's attorney. Are you or not acquainted with J. Shepperd?

Answer. I am acquainted with J. J. Shepperd, commonly called Jef. Shepperd.

By same. Tell where he lives, and the length of time he has lived at such place?

Answer. J. J. Shepperd lives in Whitley county and has been living there a little over twelve months.

By same. Did he or not leave this county and go to Whitley about twelve months ago?

Answer. he did.

By same. When he left here, Wayne county, did he or not take all his effects and clothing with him?

Answer. I don't know.

By same. Was he or not living at his father's, in district No. 5, when he left here?

Answer. When J. J. Shepperd left here to go to Whitley county he was living at his father's in the Sinking district, No. 5, of this, Wayne county.

By same. Have you or not been in Whitley county, at the house of the said J. J. Shepperd since he settled there?

Answer. I have been at his house, where he lives in Whitley county, three times since he settled there.

By same. Did he or not claim to be the owner of the farm upon which he lives in Whitley county?

Answer. He calls it his farm.

By same. Did he or not raise a crop on said farm this year, and wheat last year?

Answer. He had wheat there last year; he said he had a place up in Scott county, Tennessee, which he had swapped to Pleasant Blevens for the Whitley farm, and that the wheat had been sown on the Whitley farm before he, Shepperd, had moved upon it. He raised a crop on the farm this year, so he told me.

By same. Has or not said Shepperd been upon said farm ever since he moved to it?

Answer. I can't say that he has been there all the time, I have seen him in here frequently or several times; when he was here he would speak of going home and attending to his things; I have heard the boys urging him to stay longer when he was here, and he would say I must go home and attend to my things; since he left here I have met with him oftener on the south fork in the 4th precinct, than at this place.

By same. Is or not the south fork nearer to his farm than this place?

Answer. It is.

By same. Is or not said Shepperd fixed upon his house and premises in Whitley like a man settled and at home?

Answer. I can't say, because I don't know what it takes to make a home; he has bedding, cooking utensils, provisions, and corn and

fodder, and fixed up like a man at home in the mountains; if not better fixed than the most of them, at least he keeps a better table than most of them in the mountains.

By same. Is or not the country in which he lives a mountainous country?

Answer. It is.

By same. Has said J. J. Shepperd any property in this county?

Answer. If he has I don't know it.

By same. Did or not J. J. Shepperd vote for J. S. Chrisman at the late August election; if so, at what precinct did he vote?

Answer. I have just examined the poll-book of precinct No. 1, Wayne county, for August election, 1859, and I find the name of J. J. Shepperd recorded on said poll-book for James S. Chrisman for Congress.

Cross-examined.

Were you for the said J. J. Shepperd when he ran for county surveyor of Wayne county, in the summer of 1859?

Answer. I was for Dobs.

Did or not the said Shepperd run a heated and excited race for county surveyor in Wayne county, Kentucky, in the year 1858?

Answer. He run until a county court, sometime before the election, and declined and left the track.

By same. Did he or not live in Monticello, Wayne county, Kentucky?

Answer. I could not state; he staid out at his father's the most of the time.

By same. Examine the poll-book for the town precinct No. 1, Monticello, Wayne county, Kentucky, and state whether his vote is not thereon recorded in the year 1858, August election?

Answer. It is so recorded.

By same. Examine the commissioners' book for Wayne county for the year 1859, this present year, and state whether you do not find his name and list thereon recorded?

Answer. I find on said commissioners' book for Wayne county, Kentucky, 1859, that James J. Shepperd has listed for taxation in said county a poll only.

By same. Do or not the commissioners commence taking in the list of taxable property on the tenth of January in each year, which, in this present year, was some time after J. J. Shepperd went to Whitley, agreeably to your statement?

Answer. I am not posted as to the time they commence.

By same. Has the said Shepperd any family?

Answer. If he has I don't know it.

By same. Is or not James J. Shepperd, as it appears on the commissioner's book, and J. J. Shepperd on the poll-book which you have examined, the same person?

Answer. I have seen him sign his name J. J. Shepperd; there is no James J. Shepperd in this county that I know of, unless his name is James J.

By same. Did he or not go out to Whitley for the benefit of the extensive acorn mart out there, and engage in the hog business?

Answer. I learned from E. B. Jones, and said Shepperd, that Jones had a lot of hogs ; Jones and I went out to Whitley county to examine the mart, and the people opposed Jones' bringing his hogs into that mart. J. J. Shepperd then said to Jones that as he had a farm there they could not prevent him from keeping hogs there ; then Jones agreed to give him, Shepperd, so much a hundred for what might be put on the hogs while out there, if he, Shepperd, would help him take them out there, and see to them. They took the hogs, and kept them there all the winter ; this was last winter, (1858-'59.)

By same. Where do you live?

Answer. Here in Monticello, Wayne county, Kentucky.

By same. Where does your father live?

Answer. On Rock creek, in what is called the Parmlysville, or South fork, precinct, No. 4, in said county.

By same. Where did you vote at the late August election?

Answer. In the court-house, Monticello, in precinct No. 1, Wayne county, Kentucky.

By same. Have you any family?

Answer. No, sir.

By same. Do you or not frequently say, when about starting to your father's, "I am going home."

Answer. I frequently say I am going out to Bawley's, which is the cognomen of my father ; I don't recollect saying that I was going home, on starting there.

By same. Has or not the said J. J. Shepperd been engaged in business in Monticello, Wayne county, Kentucky, in precinct No. 1?

Answer. He had been selling groceries in said town, and precinct, where his vote is recorded, some time before he went to Whitley county.

By same. Where is the said Shepperd's washing done while out in Whitley?

Answer. When he and Jones first went out there last winter their washing was done in Wayne county, two miles from where they lived in Whitley county, in the Dobbs district, No. 7.

By same. Were you or not a warm and active supporter of Wm. C. Anderson in the late election for Congress?

Answer. I did all I could for him ; I rode and electioneered for him.

By Anderson's attorney. You have said that Jones took hogs out to Whitley, to the mart ; now state whether or not said hogs have not long since been brought back to Wayne.

Answer. The hogs mentioned were brought back here in the spring past, and weighed.

By same. Does not said Shepperd still continue in Whitley?

Answer. He does.

HATSON T. BURK.

Also the deposition of James V. Warden, taken at the same time and place, being first duly sworn :

By Anderson's attorney. Have you or not been at the house of J. J. Shepperd in Whitley county ; if so, when, and where did said Shepperd say he lived?

Answer. I was at the house of J. J. Shepperd on the 29th day of December, 1858, in Whitley county; I staid all night with him; he told me that he lived there at that place.

By same. Give the whole conversation.

Answer. He told me he had swappd for the place of Mr. Blevins, upon which he was then living; he showed me his wheat, and the ground he was going to put in corn the next season; he said that he had the advantage of men who did not live out there; that he had a fine range for stock, and invited me to stop and stay with him frequently as I might pass to Williamsburg, the county seat of Whitley.

By same. Did he or not tell you that was his home?

Answer. He said that place was, where he was living, and that he expected to remain there; he did not use the word home that I recollect of; he called it his house, and said he could do much better there in the way of raising stock than he could in Wayne.

By same. Have you or not been a deputy marshal for Wayne county; if so, when?

Answer. I was a deputy marshall for half of Wayne county in the year 1850.

By same. Have you or not frequently been a candidate before the people of Wayne county; and are you or not well acquainted in said county?

Answer. I have been a candidate for office frequently in this county, and have an extensive acquaintance in Wayne county.

By same. How long have you lived in Monticello?

Answer. Since the year 1832, except a few months in Burksville in 1834.

By same. Do you or not know every voter in this town, precinct No. 1.

Answer. I can't say that I know every one; I think I know the most of them.

By same. Is or not the name of G. B. Vaughn recorded on the poll-book of precinct No. 1 of Wayne county as voting for J. S. Chrisman at the late August election?

Answer. I have examined said poll-book, and find the name of G. B. Vaughn recorded upon the same as voting for J. S. Chrisman for Congress at the late August election.

By same. Do you know any man who lives in precinct No. 1 by the name of G. B. Vaughn, or who has lived in said precinct or in Wayne county?

Answer. I know of no such man, nor never knew of such a man living in precinct No. 1; nor do I know of such a man ever having lived in Wayne county; I have made inquiry for a man of that name, and can hear of none.

By same. Are you or not acquainted with John Fredricks; if so, state whether or not he is a foreigner?

Answer. I know John Fredricks; he has the appearance and brogue of a foreigner; he told me he was of foreign birth.

By same. Is or not the name of said John Fredricks recorded upon the poll-book of precinct No. 6, Wayne county, at the late August election, for J. S. Chrisman for Congress?

Answer. I have examined said poll-book, and find his name recorded as voting for J. S. Chrisman for Congress at the late August election.

By same. Are you not acquainted with Henry Greer, Charles Ormand, and Henry Martin; if so, state whether or not they are foreigners by birth?

Answer. I am acquainted with the persons named in the question. Charles Ormand is a foreigner by birth; that is, he told me so; he has the appearance of a foreigner and the brogue, though not as bad as some. Henry Martin told me he was of foreign birth; he has the appearance of a foreigner. I can't say, as to Greer; I know but little about him.

By same. Are not the names of Henry Martin, Charles Ormand, and Henry Greer, recorded upon the poll-book of precinct No. 1 of Wayne county as voting for J. S. Chrisman for Congress at the late August election?

Answer. The name of Henry Martin, Charles Ormand, and Henry Greer, are recorded upon the poll-book mentioned in the question as voting for J. S. Chrisman for Congress at the late August election; I have examined said poll-book, and have it now before me, and so find them recorded.

By same. Do you know of any other Charles Ormand, Henry Greer, and Henry Martin, who lived in said precinct at the late August election, than those of which you have spoken?

Answer. I do not.

Cross-examined.

Did or not J. J. Shepperd, of whom you have spoken, do business in the town of Monticello, Wayne county, Kentucky, some time since?

Answer. He had a grocery here; he staid in it a while; whether he had an interest in it or not, I don't know; this was just before he was a candidate for county surveyor of Wayne county in the summer of 1858.

By same. Did he or not make a warm and exciting race in this county during the summer of 1858 for county surveyor?

Answer. He was a candidate that summer for the office of county surveyor of Wayne county; he rode about a good deal, and took a great deal of interest for himself; he had opposition for the office.

By same. Examine the poll-books for the town precinct No. 1 of Wayne county, in which the said Shepperd voted last August, and state whether you do not there find his vote recorded as voting in the same precinct in 1858 in which he voted for Chrisman in 1859, August last.

Answer. Yes, sir; I so find.

By same. Look on the commissioners' book for the year 1859, Wayne county, and state whether you do not find him there listed for taxation in Wayne county?

Answer. I find him there listed for taxation on the commissioners' book for the year 1859, Wayne county, Kentucky, and he lists no land in any county on said book; his poll only is listed.

By same. Do or not the commissioners annually commence taking the list of taxable property on the tenth day of January in each year?

Answer. That is the time fixed by law, after which they commence taking the list of taxable property.

By same. Was it or not before the 10th of January, 1859, that you was at the said Shepperd's, in Whitley county, and heard him have the talk to which you have deposed?

Answer. Yes, sir; it was in December, 1858.

By same. Is or not James J. Shepperd on the commissioners' book for 1859, and J. J. Shepperd on poll-book for August last, the same person?

Answer. I think they are.

By same. Were you or not a warm, zealous, and active supporter of Mr. W. C. Anderson in the last race for Congress?

Answer. Yes; and expect to be again when the same men run.

By same. Are you or not a personal enemy of Mr. J. S. Chrisman?

Answer. I am.

By Anderson's attorney. Has not Mr. J. J. Shepperd frequently, since the 10th day of January, 1859, invited you to call at his home in Whitley county and stay with him?

Answer. Mr. J. J. Shepperd last March, and again in August, 1859, invited me to call and stay with him at his home in Whitley county.

JAMES V. WARDEN.

Adjourned until to-morrow morning.

G. W. MILLS, *Presiding Judge.*

DECEMBER 6.

Met at 9 o'clock, pursuant to adjournment on yesterday.

Deposition of Belfey Wood:

By Anderson's attorney. Are you or not acquainted with James Davis; if so, tell all you know of him; his residence for the last twelve months?

Answer. I know the man; I saw him awhile before the late August election; it was the summer of the election; he was then living with his son on the waters of Beaver creek, in precinct No. 4, (South fork,) Wayne county; the next I saw of him he was moving from his son's, down Beaver creek, in a western direction; he told me he was going to a house that belonged to old Andy Criswill's heirs; that house is in the Edwards precinct, No. 3, of Wayne county; he had his family with him at his son's, also when he was moving down the creek; he had some of his plunder with him at his son's and wanted to hire me to go back after the balance of his things, which he said he had left back in the Dobbs district near the mouth of Rock creek, which things he said he could not carry when he left there; I lived within half a mile of said James Davis when he lived at his son's and saw him frequently there; he was there a right smart time and told me he was a voter in the fourth precinct, (South fork,) Wayne county.

Cross-examined.

Question. Can you say whether it was in the spring or summer when you saw him moving as you have stated?

Answer. It was in the summer I think; I remember seeing him hoeing corn at his son's before he left.

By same. Were you ever at his house after you saw him moving to the Criswill place?

Answer. I never was.

By same. How then do you know that he ever went to the Criswill place?

Answer. He said he was going there; I afterwards saw him cutting wheat at Reuben Sloan's, about a mile from the said Criswill place; his wife and children were in the field with him.

By same. For whom did you vote for Congress last August?

Answer. I voted for Mr. W. C. Anderson.

BELFEY ^{his} + WOOD.
mark.

Also the deposition of A. M. Shepperd, taken same time and place, being duly sworn:

By Anderson's attorney. Were you or not the sheriff of the late August election at precinct No. 1, Wayne county?

Answer. I was, and acted as such.

By same. Do you or not recollect that Charley Ormand, Henry Greer, Henry Martin, and Evan B. Jones voted at said precinct at said election?

Answer. I recollect that said persons voted at said election.

By same. Did either of said persons present naturalization papers at the time they voted?

Answer. They did not present any kind of papers.

By same. Are or not said persons all of foreign birth?

Answer. They are called foreigners and I should take them to be foreigners from their appearance and brouge.

By same. Are they or not new comers to this country?

Answer. They are.

By same. Have you or not been constable in the first voting precinct of Wayne county; if so, for how long, and how appointed?

Answer. I have been constable of the first voting precinct of Wayne county since the first Saturday in May, by the vote of the people of said precinct, and have acted as such since I was sworn in, fourth Monday in May, 1859.

By same. Are you or not well acquainted with the people of said precinct?

Answer. Most generally.

By same. Were you or not born and raised in Monticello, Wayne county, Kentucky?

Answer. I was born about two miles from Monticello and was raised in Monticello from a three year old.

By same. Is or not the name of G. B. Vaughn recorded on the poll-

book of the late August election held at precinct number one, Wayne county, and for whom for Congress?

Answer. I have examined said book, and find the name of G. B. Vaughn recorded for J. S. Chrisman for Congress at the late August election.

By same. Do you know of any man of the name of G. B. Vaughn who lived in this precinct, number one, of Wayne county at the late August election, or at any time?

Answer. I never knew him in my life; never heard of such a man until he came to the polls to vote. I know of no man of that name who lived in this county at any time.

By same. Did you or not see the poll-book of precinct number one of Wayne sealed up, and did you or not deliver it to the clerk of the Wayne county court sealed up?

Answer. I sealed the book with my own hands, and delivered the book sealed to Bowlin E. Roberts, deputy clerk of the Wayne county court, on Monday night of the election.

By same. Is or not William Simpson clerk of the Wayne county court?

Answer. He is, and has been for many years.

By same. Is he or not the step-father of James S. Chrisman, who ran for Congress in this district at the late August election?

Answer. He was until the death of his wife, which occurred in September, 1859.

By same. What do you know of the residence of J. J. Shepperd?

Answer. J. J. Shepperd has been living in Tennessee or Whitley county, Kentucky, for about one year; he left here last fall with E. B. Jones' hogs.

By same. Did or not said J. J. Shepperd tell you that he lived in Whitley? Tell all he said to you upon the subject of his residence?

Answer. He did not tell me particularly that he lived in Whitley; last April or May he was in Monticello; I invited him home with me; he said he could not go, that he had to go *home* and cut his wheat.

By same. Did or not J. J. Shepperd for some time before he went to Whitley county live at his father's, in the Sinking or fifth precinct of Wayne county?

Answer. For some time before J. J. Shepperd left this county he had been living at his father's, who at that time lived in precinct number five, Wayne county.

By same. Did or not J. J. Shepperd quit the grocery business in Monticello and go to his father's before leaving the county?

Answer. J. J. Shepperd had been doing business in Monticello; was employed as a hireling; when his time was out or the business closed he went to his father's and remained there for some time, and from there left the county.

By same. Has he any effects in this county?

Answer. None that I know of.

By same. How many days or nights has he spent in the town of Monticello since he left Wayne county?

Answer. Not as many as half a dozen that I know of; I have been

living in said town for the last three years ; it is a small village, and said J. J. Shepperd is my cousin ; we are friendly.

Cross-examined.

Are you acquainted with J. T. Bently, the late stage-driver from Monticello to Somerset, and for whom did he vote for Congress at the last August election, and in what precinct did he vote ?

Answer. I have been acquainted with the said Bently ever since he commenced driving the stage from Monticello to Somerset ; he voted at the last August election at the town precinct No. 1, in Wayne county, Kentucky, and for W. C. Anderson for Congress.

By same. Was he or not a single young man, and did he ever have any home or stay in Monticello precinct, No. 1, except as he come and went driving the stage ?

Answer. The general supposition was that he was single ; he had no home or stay in Monticello precinct, No. 1, of Wayne county, Kentucky, except as he came and went driving the stage.

By same. Have you or not heard the said persons, Jones, Martin, Grear, Fedricks, and Orman, whom you suppose to be foreigners, or some of them, say that they were naturalized citizens of the United States ?

Answer. No ; I never heard either of them say that.

By same. Were any of the said persons whom you suppose to be foreigners, and who voted in your presence, called on for naturalization papers, or their right to vote in any way questioned ?

Answer. They were not called on for their naturalization papers, nor their right to vote in any way questioned.

By same. You know, do you not, that a man who gave his name as G. B. Vaughn did vote for Chrisman in the town precinct, as the name and vote there stand recorded ?

Answer. I do ; I recollect that distinctly.

By same. Do you know where that man lives or ever lived ?

Answer. I don't know where he ever lived ; I never knew such a man until he presented himself to vote.

By same. Did not J. J. Shepperd, when he went out to Whitley county, go there with E. B. Jones, then and now a citizen of Wayne county, and assist the said Jones in keeping a lot of hogs in the said county of Whitley for the benefit of the mart there ?

Answer. I suppose he did ; it was in Whitley county or Tennessee in which they kept the hogs ; I don't know which.

By same. Did he or not vote here in the town precinct, No. 1, Wayne county, Kentucky, at the August election, 1858, without his right to vote being questioned ?

Answer. He did.

By same. Has he not always listed for taxation and paid his taxes in Wayne county ?

Answer. I don't know, sir.

By same. Has the said J. J. Shepperd any property anywhere that you know of ?

Answer. None that I know of at present; he said he had some wheat last summer.

By same. How do you know that he went to his father's, out of the limits of the town precinct, No. 1, and made his home there?

Answer. I was at his father's several times, and every time I was there he was there also.

By same. Had he or not been living in the town precinct, No. 1, for two years prior to August, 1858, and up to the time he went off with the hogs, as you have stated?

Answer. Not all the time.

By same. Is it or not the custom of the commissioner of tax for Wayne county for the year 1859 to swear each person who lists to give a true list of all his taxable property?

Answer. He swore me. I have seen him swear others after taking their lists.

By Mr. Anderson's attorney. Did or not George W. St. John, the brother-in-law of Ezekiel Smith, vote at the precinct No. 1 of Wayne county at the late August election; if so, for whom?

Answer. George W. St. John voted at said precinct for J. S. Chrisman at the late August election; I saw him vote; he is the brother-in-law of Ezekiel Smith; his vote is so recorded for Chrisman.

By same. Was or not the G. B. Vaughn of whom you have spoken a boy in appearance?

Answer. He was; he did not look like a grown man.

By same. Did or not J. T. Bently stay all night in Monticello, Wayne county, Kentucky, three nights in every week, for a year before the late August election?

Answer. Said Bently staid at Wm. M. Wortham's, in this town, (Monticello,) three nights in the week for a year before the late August election; he drove the stage, and his stopping place was here.

By same. You have said that J. J. Shepperd had no effects of which you know; have you been at his house in Whitley to see his effects?

Answer. I have not been there.

By same. Has or not John Horton and G. W. Sumpter listed a poll-tax for this county on the sheriff's tax-book for the year 1859?

Answer. I have looked at the sheriff's tax-book for the year 1859, and I find John Horton and G. W. Sumpter both on said book for a poll-tax each for the year 1859.

By same. Did or not John Criswell vote at the precinct No. 1 of Wayne county at the late August election, and for whom is his vote recorded?

Answer. Said John Criswell voted at said election; I saw him vote; he voted for J. S. Chrisman for Congress, and is so recorded.

By same. Describe the man.

Answer. He is a man five feet nine or ten inches high; hair dark, I think; he has a scar on his cheek, circular, about a half circle; about thirty-three to thirty-five years in appearance; a peculiar expression of his eyes. I was a friend of W. C. Anderson.

A. M. SHEPPERD.

Also the deposition of John S. Van Winkle, taken at same time and place :

By Anderson's attorney. Are you or not acquainted with Frederick Greer? If so, state whether or not he is a foreigner by birth, and also where he lives

Answer. I am acquainted with a young man of that name, who resided with John W. Minor, in this county, and who went with said Minor to Clinton county, where he moved some year or more since. I have seen said Greer about the premises of Minor since, in Clinton, and think he has told me he lived with Minor since his removal to Clinton county. Said Greer has the appearance and brogue of a foreigner by birth. My recollection is, I have talked to him about the place of his nativity, which, I think, he informed me was some of the German States, perhaps Prussia ; am not certain.

By same. Do you know John Fredericks, Charles Ormand, Henry Greer, and Henry Martin ; if so, state whether or not they are foreigners, and where do they live?

Answer. I know men by the name of Charles Orman, Henry Greer, John Fredericks, and Henry Martin, who live in Wayne county. I think I may safely say they are all foreigners by birth, judging from their appearance and broken manner of speaking the English language. Henry Martin, however, talks better than the others mentioned. I would judge him to be an Englishman by his brogue and accent ; I think I have heard him say he was an Englishman. They all live in district No. 1 of this county, except John Fredericks, who lives in district No. 6, as I am informed.

By same. Is or not the name of Andrew Hill recorded as voting for J. S. Chrisman at the late August election upon the poll-book of the fourth precinct of Wayne county?

Answer. I have examined said poll-book, and find the name of Andrew Hill recorded for J. S. Chrisman at the late August election.

By same. Is or not the name of James Daws recorded as voting for J. S. Chrisman at the late August election upon poll-book of precinct No. 6, Wayne county?

Answer. I find such a name as James Daws recorded as voting for J. S. Chrisman for Congress at the late August election upon the poll-book of the sixth precinct of Wayne county, Kentucky.

By same. Is or not the name of Stephen Loveall recorded as voting for J. S. Chrisman for Congress at the late August election upon the poll-book of the fifth precinct of Wayne county?

Answer. I find such a name as Stephen Loveall (who is marked as having been sworn) recorded as having voted for J. S. Chrisman for Congress in the late August election upon the poll-book of the fifth precinct of Wayne county.

By same. Were you or not present at the clerk's office of Wayne county Tuesday after the election and before the comparison of the books were made by the county canvassers? If so, state whether or not the seals of the poll-books, or a part of them, were broken open before or after you got there ; state what persons were there when you went into the office ; also their policy. And was or not J. S.

Chrisman there ; and what were those assembled there engaged at, if anything ?

Answer. I was at the clerk's office in Monticello Tuesday morning after the election. I think I first went there soon after breakfast. I found the poll-book of district No. 1 open and lying on the table, and I made a count of the poll. I think, after remaining awhile, I left, and again returned sometime in the forenoon, and remained some time. While there the poll-books of several districts of the county were brought in and delivered to Wm. Simpson, the clerk of the county court. I have a pretty distinct memory of seeing him break the seals of the books of districts Nos 2 and 3, and I may have seen 5 and 6 broken, but of this I am not sure. I counted Nos. 1, 2, and 3, and perhaps 5. I hardly think I did count 5. James S. Chrisman, John S. Wray, Wm. Heath, Henderson Coffey, and B. E. Roberts, deputy clerk, were present. They are all democrats and warm political friends of J. S. Chrisman. C. H. Benton, an Anderson man and oppositionist, was also there during the morning. My impression is he came in towards noon. There was nothing being done except the poll of some of the districts were counted. I think some one else besides me was looking over them. Major Chrisman, according to my recollection, was at the clerk's office during the whole time I was there, which I think was several hours. Chrisman may have come in the office soon after I went there. The election was the only topic which I heard discussed, with matters connected with it. It was freely discussed. This was before the comparison of the vote of Wayne county by the county board. I am not clear who was present when I first went to the clerk's office, except the clerk and deputy. I am an oppositionist and a political friend of Anderson's, and voted for him. Wm. Simpson, the county clerk, was a whig originally, but has been acting with the democratic party since 1855, including that year. He was a friend of Chrisman's in the late election.

By same. What relationship exists or has existed between James S. Chrisman and Wm. Simpson, the county clerk of Wayne county ?

Answer. Wm. Simpson married the mother of James S. Chrisman.

By same. Have you or not examined the book of the assessment of taxes for Wayne county for the years 1858 and 1859 ? If so, state whether or not George W. St. John is or not upon said books, or either of them, listed for a poll or property of any kind.

Answer. I have looked at the books of assessment of taxes of the upper end of this county for the years 1858 and 1859, and do not find his name on said books, or either of them. His brother-in-law, with whom he generally staid while here, resides in that end of the county, and is assessed on one or both of said books.

Cross-examined.

Examine the commissioners' assessment of taxable property for the year 1859, in Wayne county, Kentucky, and state whether A. K. Russell is not there listed for taxation, and whether J. T. Bently is found on the commissioners' books of said county for the year 1859 ; also is or not John Criswell there listed for taxation in the year 1859 ?

Answer. I have cursorily looked over said books, and find A. Knox Russell listed for a poll. I do not find the name of J. T. Bently. I find the names of two John Criswells on said book, that is the lower end.

By same. Was there any A. K. Russell residing in precinct No. 1, Wayne county, last August, except the one challenged as an illegal voter, voting for Chrisman for Congress at the last August election, and is or not his name A. Knox, or is he not called Knox?

Answer. I have seen but one A. K. Russell in Wayne county so far as I know. He came to this county, I think, about the 1st January last, and said he wanted to read law in the office of my brother and myself, who are attorneys. I think he did some reading, and remained in the county nearly all summer. I think he was about for a week or two before the election, perhaps longer. He was here during the early part of August. I think he remained for some days after the election, and left. He has been here once or twice since then, and remained a few days. I think the last time he staid but a short time. I never heard of any other business he had here but studying law, except I understood he tried to get to teach school in the county, but did not.

By same. Have you or not heard the persons, or some if not all of them, of whom you have spoken, and supposed to be of foreign birth, say that they were naturalized citizens?

Answer. I have no recollection of ever hearing any one of them speak of his naturalization. I once saw something like naturalization papers of Henry Grear, I think, but my recollection is that the certificate required by the act of Congress for authentication of records was not to it. It may, however, have been a domestic record, that is a copy.

By same. Have you ever heard any complaint from Mr. Anderson or any intelligent friend of his of any alteration and wrong in the poll-books, growing out of their having been broken open by Simpson, as you have stated?

Answer. I never heard of anything of the kind, except with regard to the vote of Peter Phipps. The clerk of the election for district No. 4 told me he did not think that he recorded the vote of said Phipps for Chrisman, and seemed to think it was done by some one else. He has since given his deposition, (see deposition of Jeremiah Burnet,) in which he stated that he must have made the mistake himself, or words to this effect.

JNO. S. VAN WINKLE.

Also the deposition of William Dugger, taken at the same time and place:

By Mr. Anderson's attorney. Are you or not acquainted with Charles Mitchell; who now resides in Wayne county?

Answer. I am.

By same. When, if you know, did he come to Wayne county?

Answer. I can't tell you more than what he told me.

By same. Did he ever tell you, before the late August election, when he came to this county? If so, tell all he said in that conversation.

Answer. Before the last August election he told me that he had

been rambling about in Kansas and some of the western States ; that he had been there three or four years, and then came to his father's upon the Ohio river, and there heard of a brother that had been supposed lost, or not heard of for a good while ; said brother, he heard, was down in Barren county, Kentucky ; that he came down to Barren in search of him ; that he got there, and a short time after he got there he married, and started the next day and came to Wayne county ; he said he got to Wayne county on the 15th day of August was a year ago, (August 15, 1858.)

By same. Did he or not tell you that he had been living in the western States until he came back to his father's ?

Answer. He said he was in Kansas and other States.

By same. Did he or not tell you that he left his father's immediately or soon after he got there, and went to Barren county, Kentucky ?

Answer. Yes, sir ; he said he started directly after he got to his father's in search of the lost brother out in Barren.

By same. Do you know any other Charles Mitchell who lived in Wayne county at the late August election than the one of which you have spoken ?

Answer. He is the only man of that name that I know of in Wayne county.

By same. How long have you lived in the town precinct of Wayne county ?

Answer. Some ten or eleven years ; perhaps longer than that.

By same. Are you well acquainted in said precinct ?

Answer. Yes, sir ; tolerably well.

Cross-examined.

Was or not the said Charles Mitchell or " Michel " raised in Wayne county ?

Answer. I don't know whether he was or not.

By same. Does or not his father reside in Wayne county, Kentucky ; and if so, how long ?

Answer. I don't know.

By same. Where does the said Michel now live, if you know ?

Answer. He lives over here at Dick Owens', in this (Wayne) county, Kentucky.

By same. When was it you heard him have the conversation spoken of ?

Answer. I would suppose it has been some fifteen or sixteen months ago.

Question. Where did he reside when he had this talk to you ?

Answer. Where he does now, I reckon.

By same. Was the election and the right to vote spoken of in that conversation ?

Answer. No, sir.

By same. What brought up the conversation ?

Answer. He brought it up. I don't know what he brought it up for.

By same. Where was this conversation, and who besides you heard it?

Answer. It was betwixt a place called Towlertown, where Greer Kinnet lives, in Wayne county, and the Cumberland river, in the path we were coming from the river together.

By same. What year, month, and day was it when you heard the conversation?

Answer. I can't tell the month nor day. I suppose it was in last year.

By same. Was it in spring, summer, autumn, or winter?

Answer. It was in the summer.

By same. How long before he had the chat did he say he had come to this, Wayne, county?

Answer. He said he came here the 15th or 16th of August before we had the conversation.

By same. What object did he seem to have, or say that he had, in giving you the precise time of his arrival in Wayne county?

Answer. He did not have any as I know of.

By same. What enables you to recollect the day on which he said he arrived in Kentucky any better than the day on which you had the talk with him?

Answer. I recollect he had the conversation, but did not memorize the date of it

By same. Did you memorize the date on which he told you he reached Kentucky?

Answer. No, sir; but I recollect the date he told me he came.

By same. Then, which was it, the 15th or 16th of August?

Answer. It was the 15th or 16th he said.

By same. How did Mr. Anderson or his friends learn what you knew about what he said? Who asked you about it?

Answer. I don't know who I first told about it. I have spoken of it frequently. I reckon I told them about it.

By same. In what year, month, and day were you born?

Answer. I suppose I was born in 1818, the 7th day of May.

By same. Have you a wife and children?

Answer. Yes, sir.

By same. In what date were you married, and each of your children born?

Answer. I don't recollect the date of my marriage. I don't recollect distinctly, as I know of, the dates of my children's births. I could count up the date of my marriage and the ages of my children if I had the time.

By same. Can you state the year in which any child of yours was born?

Answer. Our youngest child was born on the 20th day of January. He will be four years old the 20th day of January next.

By same. Can you recollect the month, year, and day on which any other event which you have witnessed in the last five years has happened, except the day Michel told you he arrived in Wayne county, Kentucky?

Answer. I don't know that I can tell the date on which any other thing happened.

By same. Who first asked you when Michel got to Kentucky?

Answer. I don't know as any one ever asked.

By same. On which side of the Ohio river did he say his father lived?

Answer. I don't remember that he said.

By same. Does or not the said Charles Michel reside close to Esquire M. Stephens, who was one of the judges of the last August election at the precinct where the said Michel voted?

Answer. He lives within two or three miles of the said Stephens, who was one of the judges of the election last August.

By same. What was said Stephens' politics, and what yours?

Answer. We are both whigs, and I voted for Anderson.

WM. ^{his} + DUGGER.
mark.

Also, the deposition of Sally Boyd, taken at same time and place :

By Anderson's attorney. You will state whether or not you know on what day of the week and month Francis Winchester moved from Whitley to Wayne county.

Answer. He moved to Wayne county from Whitley the first Sunday in June.

By same. What June was it.

Answer. It was last June.

By same. Did you or not move into his house in Whitley the day before he left there and came over to Wayne?

Answer. I did.

By same. Did you or not see him start off with his family on the first Sunday in June?

Answer. I was there and saw him start ; he took part of his family, that is, part of his children, on the next morning, Monday, the 6th of June ; he took his wife over to Wayne ; he went into a house belonging to the Ingram heirs, in which Riley Abbott then lived.

By same. Do you recollect on what day of the week the month of June came in on?

Answer. It came in on Wednesday is my recollection?

By same. When did said Francis Winchester take his plunder or household articles over to his new home?

Answer. On Monday, the day he took his wife.

By same. How far did he live from the oil well before he left Whitley?

Answer. About one mile, or a little upwards.

By same. Can you read or write?

Answer. No, sir.

By same. Where did you move from when you went to the house that Winchester lived in?

Answer. I moved from a little house the other side of Winchester, about half a mile, into his house. I went down to the Winchester house on Saturday, and he commenced moving over the river the next day.

Cross-examined.

What day of what month is this?

Answer. It is the 6th day of December.

By same. Do you know what year?

Answer. 1859.

By same. On what day of the week did this month come in on?

Answer. On Thursday.

By same. On what day of the week did last month go out on?

Answer. On Wednesday.

By same. How do you know that Frank Winchester moved on the first Sunday in June last.

Answer. Because I know it was, as I moved in on the Saturday before he left.

By same. What other moves have you ever made, if any?

Answer. I moved from this side of the river over there to the little house I have spoken of.

By same. On what day of what month, and in what year, did you move to the little house aforesaid?

Answer. I moved there on the 6th day of March, in last year; I don't recollect what year last year was.

By same. On what day of the week did you make last-mentioned move?

Answer. On Saturday; I am mistaken, it was on Sunday.

By same. Have you any children?

Answer. None living.

By same. On what day, month, and year had you one that died?

Answer. It died the 11th day of July, three years ago.

By same. What day of the week was that?

By same. Where does the Frank Winchester you have spoken of now live?

Answer. At the oil well, in Kentucky.

By same. In what year were you married?

Answer. It was eight years ago.

By same. What State is this?

Answer. It's Wayne; no, I made a mistake, it is Kentucky.

By same. When did you first learn that last June came in on Wednesday?

Answer. I already knew it.

By same. How did Mr. Anderson and friends learn that you knew it?

Answer. I told them, I reckon.

By same. Whom did you tell?

Answer. I think I told it to Andy Slaven first?

By same. What day of the week is this?

Answer. It is Tuesday.

By same. Did you see Frank Winchester move?

Answer. Yes, sir; I saw him start.

SALLY ^{her} + BOYD.
mark.

Also the deposition of James Hutchison, taken at same time and place, being duly sworn :

By Mr. Anderson's attorney. Are you or not acquainted with Cetron Crutchfield, jr., son of John Crutchfield ?

Answer. I am acquainted with him ; he is the son of John Crutchfield, of Wayne county.

By same. Did you or not see him vote at the late August election, at precinct No. 6 ?

Answer. No, sir ; I did not see him vote, but I was present at the election at the polls just as he had finished voting, and heard a dispute about his vote.

By same. State whether or not he left this country some years ago ; if so, where did he go to ? Tell all you know about it.

Answer. I saw him about four years ago next spring ; he lived near me ; about that time he told me he was going to his uncle's, in Iowa, with Robert McBeath and John Kennedy ; he disappeared from this country about that time, and was gone about eighteen months, a little longer or shorter probably. I saw him when he came back to his father's, about two years ago ; I talked with him about Iowa and the western country ; he told me he had been in Iowa and was greatly pleased with the country ; said he had looked at a part of Missouri. He remained here from the fall or winter until March following ; left again ; before leaving he came to me and wanted to sell me a horse ; he said he wanted to raise money to pay his expenses home ; that one of his brothers was going home with him, and they needed money to pay their expenses. My recollection is he said he was going to Missouri ; he left in March, and was gone until about twelve months ago, perhaps not quite that long, when he came back here—that is, he came back here last winter about Christmas ; I saw him soon after his return ; I asked him how it happened he had come back ; he said he done so much better than he expected he had come back here to go to school, as he could get schooling cheaper here than out west and be with his friends and father, and that he intended to go to school to Burton until this fall and then return home ; he said a man in that country, Missouri, without an education did not stand a fair chance ; he told me that he had moved from Iowa into Missouri, and that he was going to Missouri when he left the last time. I don't know that he ever owned land in Iowa, but said he owned land in Missouri ; this is my recollection ; I know it was one or the other of those States in which he said he owned land.

By same. Do you or not know Samuel Pennington ?

Answer. I do know him very well.

By same. Did he or not leave this county ; if so, when and for what purpose ?

Answer. Along last October was a year, that is October, 1858, his son came to this country from North Carolina, and shortly afterwards I saw the old man, Samuel Pennington ; he told me he wanted to sell his property ; that he was going home with his son ; that he was getting old, and that his children lived in North Carolina and had come after him, and that he was going home with them ; that they were going to take care of him the balance of his life. He made a public sale about

five or six days after this conversation, and sold everything, even the plank out of his house, and left with his son. I was at his house the morning he started; he left nothing behind that I know of; he said he was going to North Carolina. On Saturday after the May election, 1859, he came back here; I saw him the next day; he told me he had moved to North Carolina and back; that he had built a house in North Carolina at the foot of a hill, and that during the winter he never got to see the sun, and as soon as he could see the sun next spring he broke for Kentucky; that North Carolina was no country for a cooper; he was a cooper by trade.

By same. Was there any other Samuel Pennington living last August in Wayne county?

Answer. None that I know of. I was present and saw him sworn at the late August election.

By same. How is his vote recorded?

Answer. For Mr. Chrisman for Congress.

By same. Are you acquainted with Marion Stephenson? If so, tell all you know about his residence and moves, if any, made recently.

Answer. I am acquainted with Marion Stephenson; in the spring of 1858 he lived about in my neighborhood; for several years before that he lived in Pulaski, before he came down to my neighborhood; about that time, spring of 1858, he came to me and told me that he had some friends living in Indiana who had written to him; that it was a good country for a young man, and that he concluded to go there to live; he wanted to work for me to get some money to pay his expenses to Indiana. Shortly after this he was missing, and gone until September, 1858, when he came back; I saw him; he told me he had been living in Indiana; that Indiana was a great place for a young man, but that unfortunately he had gotten into a difficulty out there and had to leave there; that his friends there advised him to leave, and that he had no other place to go than to come back to Kentucky, where he had acquaintances; he said he was sorry he had come back here; that he intended to leave and go somewhere; that he could do no good here; he left soon after the August election, and is gone from this country.

By same. Is or not the name of Marion Stephenson recorded on the poll-book No. 6 of Wayne county as voting for J. S. Chrisman for Congress at the late August election?

Answer. I have examined said poll-book, and find the name of Marion Stephenson recorded on said poll-book as voting for J. S. Chrisman for Congress at the late August election.

By same. Do you know of any other Marion Stephenson in said precinct that lived there at the late August election?

Answer. No, sir.

By same. Did he or not tell you that he voted for Mr. Chrisman in that election?

Answer. He did so inform me.

By same. Are you or not acquainted with William Dobkins?

Answer. Yes, sir; slightly.

By same. Tell all you know about his residence for the last twelve months.

Answer. I never knew him until last March or April, that is March or April, 1859 ; a number of my neighbors and myself were at Mill Springs, on Cumberland river, or near Cumberland; we heard a steamboat coming and went down to the river; the boat did not come up to Mill Springs; I went back to the store at Mill Springs; soon after that a young man came in and reported his name as William Dobkins; said he had come up on the steamboat as high as Robertsport, a few miles below Mill Springs; said he had been living at his brother's, in Tennessee; that when he left this country he left from Pulaski county, where his father then lived; said he had been gone three years and was inquiring after his father. I told him his father lived in Wayne county, on Copenham's farm; I also became satisfied from what he told me that he had some brothers-in-law living near me; he went with me on towards his brothers-in-law; the next I saw of him was along during the summer working in the neighborhood.

By same. Did he or not tell you that his home was at his brother's, in the State of Tennessee?

Answer. As we were going on the road we talked freely, and among other things I asked him if he was coming to Kentucky to live; he said he was not; that he was coming in on a visit to see his father; he said his home was in Tennessee at his brother's.

By same. Have you or not examined the poll-book for the 6th precinct of the late August election of Wayne county; if so, for whom is the vote of said William Dobkins recorded, if at all?

Answer. I have examined said poll-book, and find such a name as William Dobkins recorded there as voting for James S. Chrisman for Congress at the late August election.

By same. Do you know of any other man than the one mentioned who lived in the 6th precinct, Wayne county, at the date of the late August election by the name of William Dobkins?

Answer. No, sir; I knew of none other of that name in said precinct at that or any other date.

By same. Were you or not born and raised in Wayne county, in that region of country now composing the sixth precinct of Wayne county?

Answer. I was born in Wayne county, and in that region composing the sixth precinct of Wayne county.

By same. Are you not well acquainted with all the voters of said precinct?

Answer. I know all the voters on this side of the river, I think, unless it is transient persons.

By same. What is your age?

Answer. I was born in the year 1821; I am about thirty-eight years of age.

By same. Did you see Wm. Dobkins, of whom you have spoken, at the voting place at precinct No. 6 at the late August election?

Answer. Yes, sir; he was there the day of said election.

By same. Have you or not examined the poll-book for precinct No. 1 of Wayne county for the late August election; if so, is or not the name of Charles Mitchell recorded there as voting for James S. Chrisman for Congress?

Answer. I have examined said poll-book, and find the name of Charles Mitchell recorded on the poll-book of precinct No. 1 of Wayne county as voting for James S. Chrisman for Congress at the late August election.

Cross-examined.

When Samuel Pennington left here, as you have stated, did he leave anything here?

Answer. Nothing that I know of, except some debts were owing to him here, as he told me; he was trying to sell them.

By same. If he left debts here owing to him why did you state that he left nothing behind.

Answer. I meant that he left no property.

By same. What family had he at the time he left here?

Answer. He had a wife and took one step-daughter with him, who had been living at Sheaman Tuttle's.

By same. The old man Sam'l Pennington is an extravagant talker, that tells all sorts of tales, is he not?

Answer. He is a large and extravagant talker, and tells all sorts of tales.

By same. What did he sell before he left?

Answer. He had some corn, some wheat, some vinegar, some pails, some soap, churns, barrels, hoops, hogs, cattle, farming tools, hoes, ploughs, and some plank.

By same. Did young Seaburn Crutchfield's father live in this county all the time, and in Wayne county?

Answer. His father did live in Wayne county all the time, and still lives here.

By same. Did the old man Dobkins, who you told Wm. Dobkins was his father, and lived on Copenhaun's land, ever live in Pulaski?

Answer. He had lived in Pulaski.

By same. Do you know that the names of William Dobkins, Samuel Pennington, Marion Stephenson, and Seaburn Crutchfield, which you have seen on the poll-books, are not the names of other persons than the ones you have been swearing about?

Answer. I know it as well as anything I never saw; Mr. Pennington told me he voted, and Crutchfield and Stephenson also told me they voted, and I don't know of any other persons of those names.

By same. Were you not a warm supporter of Wm. C. Anderson?

Answer. I was.

JAMES HUTCHISON.

Also the deposition of Allen R. West, taken at the same time and place, being duly sworn:

By Mr. Anderson's attorney. Are you or not acquainted with John Mixon; if so, where has he resided for the last two years?

Answer. I am acquainted with John Mixon; he moved upon my farm between the 13th and 23d of June, 1858; I went to Indiana and returned on the 23d of June, 1858; when I got home he was on my farm and assisted me in my harvest; he remained there until Feb-

ruary or March, 1859; then went to David Simpson's and remained there until after the August election; he had his family and effects with him; David Simpson's farm and mine are both in district No. 6 of Wayne county; said Mixon had been in the district more than twelve months before he voted.

By same. Do you know J. T. Bently? If so, tell where he resided and claimed his home before the late August election.

Answer. I know J. T. Bently, the stage-driver; he drove the stage from Mill Springs to Monticello, both points being in Wayne county; this was from May until after the election; he staid first at my house and the next night in Monticello alternately, except Sundays, which he spent at my house; this he was compelled to do, as the stage went up on Saturday and down to Monticello on Monday; his rest day, Sunday, came on at the Mill Springs' end of his mail line; for a short time before the election the stage stand was changed from my house to Weaver's, and after that he staid at Weaver's instead of my house. I reside near Mill Springs. During that time Bently claimed his home to be at Monticello; he, however, had his washing done at my house, as he was there always on Sunday. He was at the Mill Springs precinct the day of the election, and refused to vote there; he said his residence and place of voting was at Monticello, Wayne county; I think he was at Mill Springs the day of the election. He seemed to be active in the election at that place until 12 o'clock, at which time the stage usually came to that point from above; he then drove it on down to Monticello, or started off with the stage in that direction; Mr. Gaines drove to Mill Springs from Somerset; Mr. Bently is a young man without family.

Cross-examined.

By Mr. Chrisman's agent. Had the said Bently ever been in Wayne county for any length of time prior to the time he commenced driving the stage from Somerset to Monticello?

Answer. I never knew him till he commenced riding the mail and driving the stage from Somerset to Monticello, some 18 months ago, or longer.

By same. Can you not safely state that he had never been in the Mill Springs precinct any length of time prior to the time he commenced carrying the mail as aforesaid?

Answer. He had never been there prior to that time, I reckon.

By same. Has or not the said Bently left this county and gone to other parts?

Answer. He left this county some ten days or two weeks ago, and I am informed that he is now driving the stage from Somerset to Stanford.

By same. What reasons, if any, did the said Bently give for claiming Monticello as his home?

Answer. I do not know that he gave any reasons.

By same. Please examine the poll-book of precinct No. 1 for the August election, 1859, and see if the name of G. B. Vaughn, is not recorded thereon; also examine the poll-book of precinct No. 1 for

the August election, 1858, and see if the name of George B. Vaughn is not recorded on it?

Answer. I have examined said poll-books, and find the name of G. B. Vaughn on the one for 1859, and George B. Vaughn on the one for 1858.

A. R. WEST.

STATE OF KENTUCKY, *Wayne County, ss:*

I, G. W. Mills, presiding judge of the Wayne county court, it being a court of record, do certify that the foregoing depositions, (containing two and twenty pages, and paged from one to two hundred and twenty, two pages by mistake having the same number,) of James Hart, David Sowders, Granville Boyd, Miles Gregory, Peter Phipps, Jeremiah Burnet, Timothy Blevins, E. A. Butler, Benjamin Adkins, Calvin Adkins, Ezekiel Smith, Ambrose Spradlin, Thomas Ryan, James Gibson, Ezekiel Cecil, Mrs. Sarah Horton, William Guffey, Benjamin Burk, sr., Bartholomew Lawson, E. S. Van Winkle, L. P. Baker, Nancy Massingill, Polly Hughs, John Sloan, sr., Thomas H. Lair, Wm. B. Lair, J. Marion Perdue, (this last taken by consent of the parties to the counsel,) Jabez Edwards, John Fenston, John B. Ingram, John M. Morris, H. T. Buck, (or Hutron T. Buck,) J. V. Warden, Belfry Woods, A. M. Shepperd, J. S. Van Winkle, William Dugger, Sarah Boyd, James Hutchison, and A. R. West, and others contained in the foregoing record, (paged as aforesaid,) were taken before me, at the court-house in the town of Monticello, Wayne county, Kentucky, commencing on the 2d day of December, 1859, and continuing the 3d, 5th, and 6th days of said month, on which day, the 6th of December, 1859, the same was finally closed; that said witnesses being by me first duly sworn, testified as shown on the foregoing depositions, the statements of the witnesses affirmed being reduced to writing in my presence, and at the place and times aforesaid, and in the presence of the agents of the parties to this contest, and in the presence of the witnesses, respectively, the statement of each witness being first read to them in my presence, and the deposition of each witness being attested and subscribed by the witnesses, respectively, in my presence and the presence of the the agents of the parties aforesaid, at the time and place aforesaid.

Said depositions were taken for the purposes mentioned in the caption to the deposition of James Hart, all of the witnesses having, before giving their testimony, been sworn in the case mentioned in the caption aforesaid; E. L. Van Winkle and John S. Van Winkle, agents and attorneys for Wm. C. Anderson, and Jos. E. Hays, agent and attorney for J. S. Chrisman, being present during the examination of said witnesses; W. C. Anderson and James S. Chrisman neither being present in person.

Given under my hand this the 27th day of December, 1859, at my office in Monticello.

G. W. MILLS,
Presiding Judge of the Wayne County Court.

Judge's cost for taking depositions, 4 days, \$3 per day, \$12; and issuing 4 subpoenas, 80 cents.....	\$12 80
Sheriff's cost for serving 4 notices	1 00
Sheriff's cost for summoning 112 witnesses.....	22 40
Witnesses' attendance and mileage.....	66 85
Clerk's seal and certificate	1 00
Clerk's copy boundary of districts.....	1 25
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	105 30
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Which cost was paid by W. C. Anderson's agent, except judge's cost not charged.

G. W. MILLS,
Presiding Judge of Wayne County Court.

STATE OF KENTUCKY, *Wayne County Court:*

I, William Simpson, clerk of the county court for the county aforesaid, do certify that G. W. Mills, esq., whose genuine signature appears to the foregoing certificate, was at the date of the signing thereof and is yet presiding judge of the Wayne county court for the county aforesaid, duly elected, commissioned, and qualified as such; that his attestation is in due form of law, and all his official acts as such are entitled to full faith and credit.

Given under my hand and seal of office, at Monticello, this 8th day [L. s.] of December, 1859.

W. SIMPSON,
Clerk of Wayne County Court.

The Commonwealth of Kentucky to the sheriff or any constable of Adair county, greeting:

You are commanded to summon E. T. Sublett, Champ Dillingham, Ben. Drake, T. E. Bramlette, Z. Wheat, Eli Wheat, Sinclair Wheat, W. H. Spencer, A. F. Merriman, W. E. Baker, Joseph Williams, Mat. Miller, Jonathan Jones, Bethell Compton, Black Hughes, N. S. Wheeler, T. T. Alexander, Joseph Jones, Ely Damron, A. B. Nelson, Thomas Dowell, J. B. Yates, Cyrus Judd, George D. Redman, George W. Ewing, Randolph Rice, Jacob Jeans, J. P. Owens, Stephen Stone, Mat. Parks, C. J. Taylor, William Munday, William Curry, Mrs. Stephen Loveall, Joseph Jeans, to appear before me at the court-house in Columbia, Adair county, Kentucky, on the 30th day of December, 1859, to depose in the matter of contest between James S. Chrisman and W. C. Anderson, and this they shall in no wise omit under penalty of the law.

Given under my hand, as presiding judge of the Adair county court, December 9, 1859.

E. T. WILLIS, *P. J.*

Summoned William E. Baker, T. E. Bramlette, William H. Spencer, Eli Wheat, G. W. Ewing, William Curry, J. B. Yates, Z.

Wheat, Jonathan Jones, Ely Damron, Champ Dillingham, Ben. Drake, S. Wheat, Joseph Williams, T. T. Alexander, J. P. Owens, C. J. Taylor.

N. MONTGOMERY, *T. M.*

AVON, *February* 13, 1858.

DEAR SIR: I now write you this to inform you I am well, and hope this may find you and your family well. I have been travelling ever since I left Adair county, and saw all my friends, and all of them are blessed with good health and plenty of everything that persons could desire to make them happy. They are surrounded with prattling babes, which is more than I can say. None of my relations knew me, with one exception, uncle Andrew Fulton. I stayed all night with my sister, and she did not recognize me. I have settled myself, and will be for a short time at this place. I have no idea of staying here longer than I can make arrangements to leave. I could not live in Virginia, although my friends are anxious that I should do so. Everything looks wrong to me, and the ladies do not look like human beings; so, barring any accident, you may look for me in Kentucky in April. I can hardly make my arrangements before that time. I can make money in this place much easier and faster than I can in Kentucky; but satisfaction is what the human family needs to make them easy in this life, and I won't stay anywhere unless I am satisfied. I want some woman, and intend coming to Kentucky to pick her up. When I come I will be prepared to settle all my matters up; so you will let my creditors know that I am still in the land of the living, and fat and thriving, and care for nothing and nobody, only my friends—they I have particular regard for. I am waiting here to see a friend of mine who is absent at this time, and will not be back until some time in March. You will please write on reception of this, and let me know what is going on in Kentucky generally. Give my respects to your lady and mother, and let them know that I would be very glad to see them, and intend to see them very soon. I still call Kentucky my home. Tell old man Bradshaw to have that woman picked out for me. I send my respects to him and lady, and all my acquaintances. I will now close by saying I still remain your friend, truly,

JOSEPH P. WILLIAMS.

Mr. JOHN C. WHITE.

P. S.—Direct to Avon, Virginia.

JAMES S. CHRISMAN:

And I will, on the 30th of December, 1859, at the court-house in the town of Columbia, Adair county, Kentucky, before E. T. Willis, presiding judge of the Adair county court, take the depositions of E. T. Sublette, Champ. Dillingham, Ben. Drake, Thos. E. Bramlette, Z. Wheat, Eli Wheat, Sinclair Wheat, W. H. Spencer, A. F. Merryman, W. E. Baker, Jos. Williams, Mat. Miller, Jonathan Jones,

Bethel Compton, Black Hughs, M. S. Wheeler, T. T. Alexander, James Jeans, Eley Damron, Arch'd Wade, Mat. Sparks, Jeff. Jones, James Nelson, A. B. Nelson, Thomas Dowell, J. B. Yates, Cyrus Judd, George D. Redmon, G. W. Erving, Walter Irvin, Randolph Rice, Zack Jeans, J. P. Owens, Stephen Stone, Mat. Parks, C. J. Taylor, Wm. Mundy, William Curry, (Shanghai,) Mrs. Stephen Terrell, and Jo. Jones—all of which witnesses now reside in Adair county except Walter Irvin, who resides in the county of Boyle, Kentucky.

W. C. ANDERSON.

Petition to the honorable judge of the Adair County Court:

We, the undersigned, would most humbly solicit that the following alteration be made in the Neatsville and White Oak voting districts, so as to place the undersigned in the Neatsville district, many, or all of us, living within three or four miles of the latter place, and as the district now stands have to go some ten or twelve miles to White Oak, viz: beginning at a point on the Stanford road, where John Burton now lives; thence with the road leading to Griever's mill to said mill; thence a straight line to and excluding Samuel Gowdy's, on Sulphur fork; thence to Adam Yeiser's; thence to the Russell county line; thence with said line to the Casey line, &c.

Samuel Pendleton.
Sandy H. Jones.
Levi Jones.
George W. Loveall.
Joseph Pendleton.
James Roberts.
John Wadmore.

James Loveall.
Charles H. Jones.
Samuel Gowdy.
John C. Smith.
Stephen Loveall.
Micajah Loveall.

STATE OF KENTUCKY, *Adair County, set:*

At a county court began and held for the county of Adair, at the court-house in Columbia, on Monday, the 5th day of June, 1854, on the motion of Samuel Pendleton, Sandy H. Jones, Levi Jones, George W. Loveall, Joseph Pendleton, James Roberts, John Wadmore, James Loveall, Charles H. Jones, Samuel Gowdy, John H. Smith, Stephen Loveall, and Micajah Loveall, this day filed, ordered that the line dividing the White Oak and Neatsville districts in Adair county be altered as follows, to wit: beginning at a point on the Stanford road, where John Burton now lives; thence with the road leading to Griever's mill to said mill; thence a straight line to and excluding Samuel Gowdy, on Sulphur fork; thence to Adam Yeiser's; thence to the Russell county line; thence with said line to the Casey county line.

STATE OF KENTUCKY, *Adair County, set:*

I, Sinclair Wheat, clerk of Adair county court, do certify that the foregoing are true and correct copies of the petition, and order of court made in relation thereto, of John Woodmore, &c., for a change of

voting place. In testimony whereof, I have hereunto set my hand this 30th day of December, 1859.

SINCLAIR WHEAT,
Clerk of Adair County Court.

The statement and deposition of George W. Ewing, taken on the 30th day of December, 1859, at the court-house in the town of Columbia, Adair county, Kentucky, before E. T. Willis, presiding judge of the Adair county court, to be read as evidence in the contested election in Congress between William C. Anderson, the sitting member, and James S. Chrisman, the contestant; said statements to be read on the part of said Anderson.

Witness, after being first duly sworn, in answer to verbal interrogatories, as per agreement of the attorneys for the parties, says:

I am acquainted with Benjamin F. Allen, of Adair county; he lives in the White Oak precinct, to the best of my knowledge; I am acquainted with the reputed lines of said district; the Stanford road is that line. He lived there at the time of the August election, 1859; he has never lived out of the White Oak district since I knew him. I know that Samuel M. Baker voted at the Columbia district, and he voted the opposition ticket throughout, and for William C. Anderson, at the last August election. I was one of the judges of the election at the last August election at the Columbia precinct, Adair county. I saw Samuel Vears; he stated that that he left the Walnut Flat, Lincoln county, Kentucky, and went to Indiana, with the intention of living there if he liked the country. He stated to me that he had the chills there and he did not like the country, and he left and came back to Kentucky.

Cross-examined.

After the said Vears was sworn he was permitted to vote. I was present when the said Vears' deposition was taken, and his statement was not the same as when sworn at the election in August last. The only reason that I have for believing that Benjamin F. Allen lives in the White Oak district is that he lives to the right of the Stanford road, and my understanding is that the road is the line between White Oak and Neatsville districts, up to four or five miles above the said Allen. I have no doubt that William P. Williams is a legal voter at the Neatsville district; he lives on the right of the Stanford road. My understanding is, that line runs between John G. Gadbury and the Samuel Pendleton farm; all above that line go to Neatsville district to vote; my understanding is that all below go to White Oak. Lives at the Woodmore farm, and has married the widow Woodmore.

G. W. EWING.

Also the deposition and statement of A. B. Nelson, taken at the same time and place, and for the same purpose; he being first duly sworn, says:

He is acquainted with William Woodward and knows that he was not entitled to a vote in that district at the last August election. He did

not claim the district as his place of residence sixty days before the election. In a conversation I had with William Woodward he said that he did not claim as his home the Gradyville district between his two schools, he having taught two schools of three months each in that district; and he told me that his home was in Hart county, from the expiration of his first school to the commencement of his second. He had not resided in the Gradyville district, Adair county, Kentucky, sixty days before the last August election.

Cross-examined.

I don't know of my own knowledge that William Woodward voted at the last August election, but he said he had a right to vote there, and did vote there, as he informed me.

A. B. NELSON.

Also the deposition and statement of Blackamore Hughes, taken at the same time and place, and for the same purpose; he first being duly sworn, deposes and says:

I know James Raner; he voted at the Gradyville district, in Adair county; can't say that he lived in said district or not; learned that he lived at T. G. Walker's, in the East Fork district, until a short time before the August election; can't say that he lived in the Gradyville district sixty days before the last August election or not. I know William Woodward; he voted at the Gradyville district, in Adair county, for Jas. S. Chrisman at the last August election; he is the same Wm. Woodward that A. B. Nelson speaks of in his deposition. I was one of the judges of the election at Gradyville district, in Adair county, the last August election. I know Bethel Compton; he lives in said district; he had a ticket and handed it in; his vote was not recorded for William C. Anderson. I know James W. Nelson; he lives at my house; has been living there for two years, with the exception of when he went west; he went with the intention of returning; left all of his effects in this county in the hands of F. A. W. Robinson; was to have been back sooner than he was; he voted last May in the Gradyville district and has been here ever since. He was born in the bounds and has lived in the same all his life, that is, the Gradyville district, Adair county. He went west with the intention of returning, and he considered this his home when absent.

Question. State whether or not Bethel Compton voted for Anderson at the Gradyville precinct in August last. Give the fact, not his understanding.

Answer. I do not know as Bethel Compton voted. He had a ticket, and handed it to the sheriff, and went away. He soon returned, and asked the question whether his vote was recorded for Anderson; if not, he wanted his vote recorded for Anderson; when some of the officers of said election told him he was too late, and his vote was not recorded for Anderson or Chrisman.

B. HUGHES.

Also the deposition and statement of N. S. Wheeler, taken at the same time and place, and for the same purpose; he being first duly sworn, says:

I am acquainted with Jesse Dooley ; he voted for William C. Anderson at the last August election, at the Harmony precinct, Adair county. In the month of January, 1859, he came with Daniel Epperson to said district. He worked with J. T. Curry about the month of March, 1859 ; and he told me that he went with a man by the name of Vickery to Wayne county, Kentucky, and remained there about two or three weeks, and returned back to the said Curry's ; and I saw him several times passing about in the neighborhood. He told me that he made Daniel Epperson's his home, and that he was going down on the East fork to work for Hiram Royse. I never saw him from that time until about two weeks before the August election, 1859. He said that Daniel Epperson's was his home sixty days previous to the August election. He claimed the Harmony district as his home from about January, 1859, up to the August election. His vote was challenged at said election, and he offered to swear that it had been his home over sixty days previous to said election, and the judges permitted him to vote without swearing him. I saw Irvin Keeton and John Green at said election, and they voted for James S. Chrisman, in the Harmony district, Adair county. There are no other persons in said district, who voted, of that name that I know of.

Cross-examined.

I have not seen Jesse Dooley since the August election, and I do not know where he has been since that time. He told me that he had been at work for Abner Boston and Hiram Royse, and Royse lives in the East Fork district, Adair county, and Boston in the same neighborhood. I can't say which county Boston lives in, Adair or Barren.

N. S. WHEELER.

Also the deposition and statements of Chesley J. Taylor, taken at the same time and place, and for the same purpose, he being first duly sworn, deposes and says :

I am acquainted with A. F. Merriman. My recollection is that he came to Adair county and to Columbia some time about November, 1858, and remained in Columbia until after the August election, 1859.

Cross-examined.

His occupation was that of an itinerant dentist, and he advertised to stay some time when he came.

Re-examined.

I have always understood that the Creelsburg road was the original line between the White Oak and the Harmony districts, and, from my knowledge of the line, William Walkup lives in the Harmony district, and did at the August election, 1859 ; but I understood when he lived on his old farm he had his voting place changed from the Harmony precinct to that of White Oak precinct, but since that time

he has bought land adjoining his farm, and built a new house upon said land, and moved to it; and said house where he now lives is in the Harmony district, and he has been living in the same for one year or more.

Cross-examined.

I am acquainted with Sinclair Wheat, and he is clerk of the county court of Adair county, Kentucky. And the copy filed herewith, marked A B, is attested in his handwriting.

C. J. TAYLOR.

Also the deposition and statement of William H. Spencer, taken at the same time and place, and for the same purpose, he being of proper age, and being first duly sworn, says:

I was the clerk of the Columbia precinct, Adair county, Kentucky, at the election in August, 1859. I am personally acquainted with Samuel M. Baker, who voted at said precinct at said election, and whose vote was improperly put down to both Chrisman and Anderson. S. M. Baker voted for Anderson, and I so recorded it, but, through mistake, recorded it for Chrisman also. Said Baker was a warm political friend of Anderson during the canvass between him and Chrisman, and at the time of said election, and is now, as I believe, a warm friend to him politically. I am of the same political faith as Anderson, and voted for him. The mistake in recording Baker's vote was wholly an oversight on my part.

W. H. SPENCER.

Adjourned to to-morrow morning at 9 o'clock.

E. T. WILLIS, *P. J. A. C. C.*

Also the deposition and statement of Thomas E. Bramlette, taken on the 31st day of December, 1859, (agreeably to adjournment,) at the same place and for the same purpose; the witness, having been first duly sworn, says:

I am acquainted with Dr. A. F. Merriman. My acquaintance commenced in 1856. He then resided in Lincoln county, Kentucky. He was residing at Stanford, Kentucky, at the time I held the first court September, 1856. He continued to reside there until in the fall of after my election in 1856; the court commenced the second Monday in 1858, when he came to Columbia, Kentucky—I think in November, 1858. He continued to reside in Columbia, having his family boarding at the Baker Hotel, and keeping an office on the public square, until in the fall of 1859, when he went to Burksville, Kentucky, where he now is or was recently. Columbia is in Adair county, Kentucky. Dr. Merriman is a dentist, or dental surgeon by profession and practice.

Cross-interrogatories.

Deponent says, that he saw Doctor Merriman at the Casey circuit about the 1st of November, 1858, and learned from him that he was

coming to Columbia, and gave the doctor a recommendation ; he was then coming on a professional trip. When deponent reached home, or within a few days after, he found Doctor Merriman at Columbia. In subsequent conversations, deponent learned from Doctor Merriman that he sometimes thought of going to Lebanon, Kentucky, to settle, sometimes of returning to Stanford, and sometimes of remaining in Columbia. He seemed to be undecided as to the point of permanent location.

And further deponent saith not.

THO. E. BRAMLETTE.

Also the deposition and statement of Zachariah Wheat, taken at the same time and place and for the same purpose ; the deponent being of lawful age, and first duly sworn, upon verbal interrogatories, says :

I am acquainted with A. F. Merriman, dental surgeon. Several years ago—I think as early as the year 1855—whilst attending the Lincoln circuit court, at Stanford, Kentucky, I first became acquainted with said Merriman, who then boarded at the same hotel where I boarded during the courts ; afterwards I saw him at Hustonville, in the county of Lincoln. From about the first or the forepart of January, 1859, I saw said Merriman and his wife and child at Baker's Hotel, in Columbia, Adair county, Kentucky. Said Merriman and family remained in Columbia, Adair county, Kentucky, until after last August election. I often saw him whilst in Columbia, and know that he claimed his residence here some time before the election, and that he had resided here in Columbia for at least six months before the election ; how much longer I do not know, as I was absent from here from sometime in the fall of 1858 until in the forepart of January, 1859. I do not know that Merriman ever intended to make Columbia his permanent home, or that he did not ; I know that some time after the election aforesaid, he, with his family, went to Burksville, Kentucky, where he remained until the forepart of this month, when I saw him. He may be there yet, for I left him there.

And further saith not.

Z. WHEAT.

Also the deposition and statement of Joseph Williams, taken at the same time and place and for the same purpose. After being first duly sworn, he says, upon verbal interrogatories :

I have been a resident of this, Adair, county, Kentucky, since the date of 1849, and a resident of this, Columbia, district, since 1854, and have claimed this as home ever since that time. I left for Virginia, but merely went on a visit ; returned the 11th day of May last ; remained in this district until the day of election. This, Columbia, district has been my home and place of residence ever since the aforesaid date, 1856. I started to Virginia in December, 1857, with the intention of returning to this State as soon as I could get some business arranged, but with no intention of remaining in that State. I went to visit my relations ; also had some business. I did write to John C.

White a letter, dated the 13th of February, 1858, and enveloped and directed it to him at Columbia, Adair county, which letter is here filed, (marked D C,) and made part of this statement. This (Columbia, Adair county) district has been my permanent residence since 1856 up to this time, and is still my home and residence. I voted for William C. Anderson at the last August election.

Cross-examined.

When I came back from Virginia it was not my intention to return. On the evening that I returned I have no recollection of having any conversation with W. H. Cheatham. I did not vote whilst I was in Virginia.

JOSEPH P. WILLIAMS.

Also the deposition and statement of C. T. Dillingham, taken at the same time and place and for the same purpose; he being of lawful age and first duly sworn, says:

I have some acquaintance with Joshua Prewit, who now lives in the Neatsville district of Adair county, Kentucky, according to my understanding of the boundary of that district. I am now and have been constable of that district for several years past, and think I am acquainted with the district and its boundary and inhabitants. Joshua Prewit told me that he was from the State of Tennessee. Said Prewit did not live in Adair county twelve months previous to the August election in 1859; he, Prewit, did not live in the White Oak district at the August election.

Cross-examined.

I am acquainted with B. F. Allen, and think he lives in the Neatsville district. Said Allen lived in the Neatsville district sixty days previous to the August election in 1859.

C. T. DILLINGHAM.

Also the deposition and statement of William J. Watson, taken at the same time and place, and for the same purpose; he being of lawful age and first duly sworn, says:

I am acquainted with Morgan Simpson; he lived in the Neatsville district, in Adair, at the last August election. Mr. Morgan Simpson told me on the morning of the last August election, 1859, that he was not a legal voter, and stated that he was under the age of twenty-one years; from his appearance, he seemed to be less than twenty-one years old.

Cross-examined.

He was not known by any other name than Morgan Simpson that I know of. If he voted I do not know of my own knowledge.

W. J. WATSON.

STATE OF KENTUCKY, *Adair County*, *set* :

I, Edmund T. Willis, presiding judge of the Adair county court, do certify that the foregoing depositions and statements of G. W. Ewing, A. B. Nelson, Blackamore Hughes, N. S. Wheeler, Cheslea J. Taylor, William H. Spencer, Thomas E. Bramlette, Zachariah Wheat, Joseph Williams, C. T. Dillingham, and William J. Watson, were taken by and before me, by verbal interrogations, by the consent of the agents and attorneys of the parties to this contest, and the testimony and statements of said witnesses were caused to be reduced to writing in my presence and in the presence of the agents and attorneys of the parties to this contest, who were present during the examination of each of said witnesses, and said depositions and statements of said witnesses were subscribed and attested by said witnesses respectively in my presence and in the presence of said attorneys; each of said witnesses were first duly sworn by me before making their aforesaid statements, and their said depositions were taken at the time and place and for the purposes mentioned in the captions herein.

All of which is hereby certified by me, as the presiding judge of the Adair county court, this, the 31st day of December, 1859.

E. T. WILLIS, *P. J. A C. C.*

WILLIAM C. ANDERSON :

SIR : You are notified I will appear before the House of Representatives of the Congress of the United States at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district for the State of Kentucky on the first day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people, qualified to vote, to said office. Your right will be contested on the following grounds :

1. A majority of the votes polled at said election between us were for me and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board duly transmitted to the State board, the latter, in their canvass and estimate of the votes of said district in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been SEVEN votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were, by fraud or mistake of the officers of the election, recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State ; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote TWICE for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated, and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit :

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted, at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted, when his vote was cast.

Wm. Gibson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as last above stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

Wm. Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

A. L. McGhee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted, for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted, for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted, for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodsmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to and confined in the Kentucky penitentiary for larceny, by the judgment of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not twenty-one years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not twenty-one years of age, and not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not twenty-one years old when he voted.

Thomas Roy—Because he was not twenty-one years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not twenty-one years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county or precinct in which he voted, for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stephenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not twenty-one years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named ; and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted, for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted, for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not twenty-one years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not twenty-one years of age when he voted.

T. W. Lukins, *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me ; but, by mistake of the clerk, his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me :

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason ; he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each, to wit :

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not twenty-one years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted, for the time required by law.

Lee Yager—Because of the same reasons last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz :

Nelson Pendergast, Nat. Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books and all the votes recorded at the Ireland precinct in the county of Taylor, because the officers of said election, who conducted and held the same,

nor either of them, were sworn according to law, nor was the said poll-book certified by the officers as required by law.

I shall also object to and insist upon rejecting the poll-book and all the votes given at the 7th district in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, TO WIT:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above-named subscriber before me, clerk of the Boyle county court, this 20th September, 1859.

JAMES F. ZIMMERMAN, *C. B. C. C.*

JAMES S. CHRISMAN:

SIR: I have received a paper purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered as required by the law entitled "*Elections*," *Revised Statutes of the State of Kentucky*, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time, awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes, and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended

certificate, signed by only two of the examiners of Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to re-assemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time; they were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake, to my prejudice, of four votes, was discovered on the poll-books of Boyle county, and an amended return, stating this fact, transmitted by the county board of Boyle to the State board at Frankfort; and when this fact was made public in the district that such an amendment had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie; and by the laws of Kentucky in such cases, the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland, you shifted positions, and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of State, and attorney general of Kentucky.

I do not know, and do not admit, that the mistake that you complain of occurred. It may be true, according to the books as they now stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as voting for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each:

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county; because he lived in the county of Russell.

2. R. M. Barnard—who voted at White Oak district, in Adair county; because he had not been in the county, State, or precinct for the time required by law.

3. George Simpson—who voted at White Oak district, in Adair county; for the same reasons as above.

4. Ben. F. Allan—who voted at the Neatsville district, in Adair county; because he was a resident of and lived in the White Oak precinct.

5. Milton Polly—who voted at White Oak precinct, in Adair county; because he lived in the Harmony precinct.

6. Elijah Leach—who voted at White Oak precinct, in Adair county; because he was not a resident of said precinct for the term required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county; because he lived at the time at Haysville, in Marion county.

8. William P. Royse—who voted at the Columbia precinct, in Adair county; for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in Adair county; because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the Gradyville district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in Adair county; because he was under twenty-one years of age.

12. James Jones—who voted at Neatsville district, in Adair county; or the same reason as above.

13. Jonathan McElroy—who voted at Harmony district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required.

14. George D. Redman—who voted at the White Oak district, in Adair county; because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at the White Oak district, in Adair county; because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district.

16. I. N. Vaughn—who voted at the same place as above, and for the same reason as above.

17. Samuel Vier—who voted at Columbia district, in Adair county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and because of the same reasons as above.

19. Joshua Prewitt—who voted at the White Oak district in Adair county; because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county; because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville precinct, in Adair county; because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in

Adair county; because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at same place as above, and because of same reason as above.

24. Morgan Simpson, *alias* R. W. Simpson—who voted at Neatsville, in Adair county; because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbott, jr.—who voted at precinct No. 4, Boyle county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Charles Voss—who voted at district No. 4, Boyle county; because of the same reasons as last above named.

4. William Crow—who voted at district No. 3, Boyle county; for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted at district No. 2, in Boyle county; because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county; because of the same reason as last above named.

11. Samuel Goode—who voted in district No. 1, of Boyle county; because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county; because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county; because of the same reasons as the last above named.

14. William Staley—who voted at same place; because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neal—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place; because of same reason as last above named.

19. Hearn Gee—who voted in district No. 1, in Boyle county; because he is an idiot.

1. James F. Alstott, *alias* Fletcher Alstott—who voted at Rolling

Fork precinct, in Casey county; because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named; because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county; because of the same reasons as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county; because he was not 21 years of age.

6. John Henry Bryant—who voted at the Rolling Fork precinct, in Casey county; because he was indicted, convicted, and sentenced to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tate district, in Casey county; because he was not a resident of said district for the time required by law; he was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at the Rolling Fork precinct, in Casey county; because he had, before the election, removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county; because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, Clinton county; because he resided in district No. 4 of said county.

3. John Lemans—who voted in district No. 3, Clinton county; because he was under 21 years of age.

4. John Hughes—who voted at district No. 2, Clinton county; because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, Clinton county; because he lived at the time in district No. 3 of said county.

7. S. J. Vance—who voted in district No. 5, Clinton county; because he lived at the time in district No. 4 of said county.

8. Joshua Birdwell—who voted in district No. 2, Clinton county; because he lived in district No. 1 of said county.

9. George Wilkerson—who voted in district No. 2, Clinton county; because he was a foreigner, and not a citizen of the United States.

10. John Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who. voted at the Albany district, Clinton county; because he lived at the time in the Hays district of said county.

12. James Hare—who voted in district No. 3, Clinton county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, Clinton county; because he is *non compos mentis*, or, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, Clinton county; because he is a foreigner, and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, Cumberland county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons as last above named, and because he lived at the time in the Elliott district of said county.

7. John Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulsen—who voted at Kettle Creek precinct, Cumberland county; because of the same reasons as last above named.

9. Jacob Dulworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, Cumberland county; because he resided at the time in Adair county.

11. John Cooksey—who voted at same place; because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, Cumberland county; because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, Cumberland county; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, Cumberland county; because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, same county; because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider or Crider—who voted at the Elliott district, Cumberland county; because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct,

Lincoln county; because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at same place as last above named; because he was at the time a resident of the Walnut Flat district.

4. J. T. Waterhouse—who voted at same place as last above named; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, Lincoln county; because of the same reasons as last above named.

6. Wesley Davis—who voted at same place, and because of same reasons as last above named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county; because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Sylar—who voted at Waynesburg, in Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at same place, and because of same reasons as last above named.

10. Zach. Cook—who voted at same place, and because of same reasons as last above named.

11. Levi Cotton—who voted at Turnersville precinct, in Lincoln county; because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county; because he was a foreigner, and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Sherron or Sherrondon—who voted at same precinct as last above named; because he was not 21 years of age.

14. Charles McWilliams—who voted at same precinct as last above named; because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at Crab Orchard, in Lincoln county; because he was not 21 years of age.

16. Jesse Haythe—who voted at Waynesburg, in Lincoln county; because he had, before the election, removed to Rockcastle county, and was not a resident of the precinct in which he voted.

1. S. E. Reed—who voted at Creelsboro' district, in Russell county; because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at same place; because of same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county;

because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown precinct, in Russell county; because he was not at the time a resident of said precinct.

6. Elijah Low—who voted at Wolf Creek precinct, in Russell county; because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell county; because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county; because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825, make the house in which said Miller resides in Adair county.—(See pages 40 and 41.)

9. Allen Bybee—who voted at Creelsboro', in Russell county; because he was at the time a resident of Clinton county.

1. William Redding—who voted at Saloma precinct, in Taylor county; because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.—who voted at same place, and for the first reason last above named.

3. James H. Ratliffe—who voted at the Little Pinchem district, in Taylor county; because of the same reason last above named.

4. Frank Rhodes—who voted at Mannsville district, in Taylor county; because he was not 21 years of age.

5. Marion Peterson—who voted at Campbellsville precinct, in Taylor county; because he had not been a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county; because of the same reasons as last above named.

7. Henry Shaffner—who voted at same place last above named; because he was not 21 years of age.

I deny that William Davis, and Jackson D. Richardson, and Wm. R. Cumbass, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerks of the election at the district in which Wiley Turner voted, erased his name and vote without just reason.

I deny that the judges, without good reason, refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, Geo. W. Crane, and Samuel Leffien are recorded for me; but they voted and are recorded for you. The vote of Nelson Pendegraft is recorded for me, and I state that he so voted, and that his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you. I state that he voted for me at the polls, and was so recorded.

I deny that the poll-book of the Ireland precinct, in Taylor county,

is improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was improperly and illegally certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book, and the votes therein recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood, Anderson, 49; Chrisman, 95.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified as required by law. At said precinct the vote stood, Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Mannsville district, in Taylor county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of Whetstone precinct, in Cumberland county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law. And also, because the said poll-books were in your possession, and inspected by you and your political friends, before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday night next after the election, (by your democratic friends,) and before the comparison.

I shall insist upon counting in my favor the following votes, which were cast for me, and omitted to be recorded by the clerk:

Richard Pendegraft—who voted at district No. 1, Boyle county.

Henson Pendegraft—who voted at the same place.

David Wells—who voted at Burksville precinct, Cumberland county.

Bethel Compton *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for Wm. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress—his name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall insist upon striking from your poll, and adding to my own, the vote of—

J. T. Reynolds—who voted in district No. 3, in Boyle county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

James Janes—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

Cyrus Judd—who voted at the White Oak district, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon striking from your poll the vote of—

Samuel M. Baker—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Polston, Ben. Austin, J. C. Williams, J. C. Cundiff, W. S. Baldock, W. J. Jones, Bird Russell, J. Abshear—all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of election :

Charles B. Kirkland—who offered to vote at precinct No. 1, in Boyle county.

B. W. Moss—who offered to vote at precinct No. 2, in Boyle county.

Isaac F. Keys—who offered to vote at Greensburg, in Green county.

I shall also insist upon excluding the votes of the following named persons, who were permitted to vote after the time fixed by law for closing the polls, and after the polls had closed:

Frank Delaney—who voted at Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shelton, *alias* Chilton—who voted at Jamestown precinct, in Russell county.

I shall insist upon adding to my poll the votes of the following named persons, who voted for me, and were so recorded, and their votes stricken from the books by the judges of election, after said voters had left the polls, and were not recalled, and without their consent or approbation:

Archibald Sidwell—who voted in district No. 4, Clinton county.

Jesse Sidwell—who voted in district No. 1, same county.

W. A. Ellis—who voted at district No. 4, same county.

I shall insist upon rejecting the third page of the poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk as required by law; on that page the vote stood, Chrisman, 18; Anderson, 9.

I shall also insist upon striking from your poll the vote of Wm. R. Bowman, *alias* "Wm. Bowman," who voted in district No. 2, Boyle county, because said Bowman gave no vote in the congressional race, and by mistake of the clerk, his vote has been recorded for you.

I shall also insist on striking from your poll the vote of—

G. R. Vaught—who voted at the Somerset district, in Pulaski

county; because the vote of the said Vaught was recorded, by mistake of the clerk, for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and the votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics; when, by the laws of Kentucky, there should have been an equal division of officers if they could be found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge; Greenup Meese, sheriff; and Willis J. Stogsdell, clerk of said district, are all democrats, and agree with you in politics, held said election at said district, and at the district the vote stood, Chrisman, 68, and Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk, he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, that a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake, and I deny that such a mistake was made, I shall claim that the whole vote of Kettle Creek precinct be rejected; because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hughes, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was 486, and so counted in the returns.

In the account sent to Frankfort from the county of Adair, the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may, and actually do, make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you have been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason that you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; but even if defeated in Congress, you would get the mileage and compensation anyhow.

1. John Ping—who voted at the Dallas district, in Pulaski county; because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county; because he was not 21 years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

4. David Sadler—who voted at the Harrison district, Pulaski county; because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county; because he was not 21 years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary for felony, from Whitley county, Kentucky, and served his time out therein, and was thereby, by law, disfranchised.

7. Erased.

8. Eli Dykes, jr.—who voted at the Somerset district, in Pulaski county; because he was a resident of the Bent district, Pulaski county, at the time of said election.

9. John L. Logan—who voted at the Harrison district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

10. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

11. Wesley Neal—who voted at the Buncombe district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

12. Norris Williams—who voted at the Bent district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

13. Washington Reynolds—who voted at the Bent district, in Pulaski county; because of the same reason as last above stated.

14. James Parton—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

15. John Elder—who voted at the same district for the same reason as above.

16. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county; because he was a foreigner, and not a citizen of the United States.

17. Thomas Jenkins—who voted at the same district, and for the same reason as above.

18. Henderson Angell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

19. Patrick Doyle—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

20. Samuel Hansard—who voted at the same district; because there is no such voter living in said district.

21. John Davis—who voted at the Somerset district, Pulaski county; because he was not 21 years of age.

22. Wm. Burton, son of Benj. Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

23. Dunny Lustre, son of Jesse Lustre—who voted at the same district, and for the same reason.

24. J. J. Smiley—who voted at the Grundy district, Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

25. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not 21 years of age.

26. Joseph Keith—who voted at the same district, and for the same reason.

27. Daniel Chitwood—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

28. Jonathan Abbott—who voted at the same district, and for the same reason.

29. John Brown—who voted at the same district, and for the same reason.

30. Elijah Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county; because he was not 21 years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county; because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr.—who voted in the same district last named; because he was not a resident of the State, county, or precinct for the time required by law.

4. Daniel Sullivan, sen.—who voted at the Greensburg precinct; because of the same reasons last above named.

5. Selden Renfro—who voted at district No. 5, in Green county; because of the same reasons last above named.

6. Thos. Elmore—who voted at district No. 4, in Green county; because he was not 21 years of age.

1. George W. St. Johns—who voted at district No. 1, Wayne county; because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county; because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place; because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district; because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Greer—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district ; because he was not a resident of the State, county, or precinct for the time required by law.

9. E. F. Waller—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

11. Andrew Henry—who voted at the same district ; because he is not 21 years of age.

12. John Chriswell—who voted at the same district ; because he was not a resident of the county or district for the time required by law ; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district ; because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district ; because he is not 21 years of age.

15. Charles Orman—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

16. George Smith—who voted at the same district ; because he is not 21 years of age.

17. William Terry—who voted at the same district ; because he was not a resident of the county or district ; in fact, he was a resident of Russell county at the time of the election.

18. George Arthur—who voted at the same district ; because, after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs, in Wayne county ; there is no such voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county ; because he was not a resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and further, because he is not entitled to vote in Kentucky, or anywhere else, he being under 21 years of age.

21. Thomas Rutherford—who voted at the same district ; because he is not 21 years of age.

22. Marion Stevenson—who voted at the same district ; because he is not a resident of the county or district for the time required by law.

23. Thomas Mus—who voted at the same district ; for the reasons last above named.

24. Wm. Scantland—who voted at the same district ; because he is not 21 years of age.

25. Sam'l Pennington—who voted at the same district ; because

he was not a resident of the State, county, or district for the time required by law.

26. John Fredricks—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

27. James Daus—who voted at the same district; because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district; because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchinson—who voted at the same district; because he is not 21 years of age.

31. Wm. Weaver—who voted at the same district; because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you when he first cast his vote for the other democratic candidates for the various offices of the State, &c.

32. William Foster, jr.—who voted in Mill Spring district; because he is under 21 years of age, and not a resident of the district, as required by law.

33. George Payne—who voted at the same district; because he is an idiot.

34. F. M. Marcum—who voted at the same district; because after he had recorded his vote for me, and had left the polls, his name was erased from the poll books, so far as his having voted for me.

35. Thomas Simpson—who voted in Mill Spring district, in Wayne county; because he was under 21 years of age.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county; because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district; because he was not 21 years of age.

38. Wm. Rule—who voted at the same district; for the same reason last stated.

39. Shelby Denny—who voted at the same district; for the same reason last stated.

40. Wm. Carter—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district; because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

43. John Sloan, jr.—who voted at same place; because of the reasons above named.

44. Berry Shoat—who voted at the same place; because of the reasons above named.

45. Andrew Hill—who voted at the South Fork district, in Wayne county; because he was not 21 years of age.

46. Granville Spradlin—who voted at the same place; because he was not 21 years of age.

47. William Brewster—who voted at the same place; because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place; he only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville; because he was not a resident for the time required by law.

50. William King—who voted at the same place; because he was not 21 years of age.

51. James Davis—who voted at same place; because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place; because of the reasons last above named.

53. Hiram Troxdall—who voted at the same place; because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county; because he was not 21 years of age.

55. Granville Shoat—who voted at the same place; because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county; because he was not a resident for the time required by law.

57. Isaac Mason—who voted at same place; because he is not a legal voter.

58. Stephen Loveall—who voted at same place; because he is under 21 years of age.

59. Gideon Loveall—who voted at same place; because he is not a legal voter.

60. Christopher Jones—who voted at same place; because he is not 21 years of age.

John Honey—who voted at Mullentown, not having been a resident of the district, State, or county the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice. If so, I hereby deny them. But I do admit that Abraham Monroe, whose vote you challenged, as I suppose, was not a legal voter; for if you will examine the poll-books, you will find that said Monroe voted for you, and is recorded and counted.

You have also challenged the vote of James Lair. The said Lair voted for you and is so recorded, but the same is illegal; and I therefore admit that as he voted for you his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested; but I expect to prove, and will prove, before said Congress, that I am honestly, fairly, and legally elected to that position; and I will state,

that in the discharge of the high duty, as the representative from the fourth congressional district of Kentucky, endeavor to so act, as to meet with the confidence and respect of my constituents. The war-worn veteran, the children of the country, the widow, the orphan, shall, so far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Executed the within upon James S. Chrisman, (the within named,) by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *D. S.*

And I will, on the 19th day of January, 1860, at the court-house in the town of Greensburg, Green county, Kentucky, before Thomas R. Barnett, presiding judge of the county court of Green county, take the depositions of W. N. Vaughn, John H. Ward, J. C. Edwards, Chapman Edwards, Robert Marshall, Monroe Adair, Archibald Lewis, J. B. Carlisle, James Carlisle, W. T. Ward, Q. H. Easter, J. H. Easter, W. B. Allen, S. T. Wilson, H. T. Hagan, B. E. Courts, J. T. Golder, J. M. S. McCorkle, Thomas A. Webster, Jno. Edwards, Josiah Mitchel, Wm. Boyle, Washington Lewis, M. Lewis, J. G. Scott, Wm. Blevins, R. Blevins, M. Blevins, Thomas Chapman, Wm. Chapman, Samuel Sullivan, T. Low, Wm. Jewel, J. McCubins, Nic. McCubins, W. W. Ingram, Sallie Chaney, D. Chaney, J. Chaney, J. F. Keas, and Moses Parker—all of which witnesses now live in the county of Green, State of Kentucky.

W. C. ANDERSON.

The Commonwealth of Kentucky to the sheriff or any constable of Green county, greeting:

You are commanded to summon W. N. Vaughan, John H. Ward, J. C. Edwards, Chapman Edwards, Robert Marshall, Monroe Adair, Archibald Lewis, J. B. Carlisle, James Carlisle, W. T. Ward, J. H. Eustis, J. Q. Eustis, W. B. Allen, S. T. Wilson, H. T. Hogan, B. E. Courts, J. T. Goulder, J. M. S. McCorkle, T. A. Webster, John Edwards, Josh. Mitchel, William Ball, Wash. Lewis, M. Lewis, James G. Scott, William Blevins, R. Blevins, M. Blevins, Tom. Chapman, William Chapman, Samuel Sullivan, Tom. Low, William Jewel, James McCubbins, Nick. McCubbins, W. W. Ingram, Sally Chany, Delila Chany, James Chany, Isaac F. Keas, Moses Parker, to appear before me at the court-house in Greensburg, Kentucky, on the 19th day of January, 1860, to give their depositions in the contested election pending before the House of Representatives of the United States, in which James S. Chrisman is contestant, and W. C. Anderson is contestee.

Given under my hand, as presiding judge of the Green county court, January 5, 1860.

THOMAS R. BARNETT, *P. J. G. C. C.*

Executed the within summons on W. T. Ward, John H. Ward, H. T. Hagan, W. N. Vaughan, J. B. Carlisle, James Carlisle, A. Louis, J. M. S. McCorkle, B. C. Courts, S. T. Wilson, W. B. Allen, T. A. Webster, James T. Goulder, Chapman Edwards, James Edwards, Q. H. Eastes, and on Robert Marshall, clerk, and Washington Lewis, by delivering to them a true copy of the within, January 16, 1860.

H. T. HAGAN, *C. G. C.*

Executed on James Mitchell, Isaac F. Keas, Delila Chany, Reuben Blevins, Nathan Blevins, William Chapman, Thomas Chapman, January 17, 1860.

AR. C. COX, *D. S.*

Also on Q. H. and J. Q. Eastes, by leaving a written summons for them, January 17, 1860.

AR. C. COX, *D. S.*

Executed on William Ball, Nick. McCubbin, James McCubbin, W. W. Ingram, James Chaney, Moses Parker, M. Lewis, James F. Scott, William Blevins, William Jewel, January 17, 1860.

THOS. C. EDWARDS, *S. G. C.*

The Commonwealth of Kentucky to the sheriff of Green County, greeting :

You are commanded to summon Alexander Orr and William Martin to appear before the presiding judge of the Green county court, to testify, by the way of deposition, on the 24th of this instant, in behalf of William C. Anderson, in a contested election in the fourth congressional district in Kentucky, before the House of Representatives of the Congress of the United States, in which James S. Chrisman is contestant and William C. Anderson contestee ; and this you shall in nowise omit, under the penalty of the law.

Given under my hand this 23d day of January, 1860.

THOS. R. BARNETT, *P. J. G. C. C.*

I appoint M. P. Goulder my special deputy to execute the within summons, this 23d of January, 1860.

T. C. EDWARDS, *S. G. C.*

Executed on the within William Martin January 23, 1860.

M. P. GOULDER,
For T. C. EDWARDS.

The Commonwealth of Kentucky to the sheriff of Green county, greeting :

You are hereby commanded to summon Robert Elmore to appear before the presiding judge of Green county court, at the court-house in Greensburg, on the 20th day of this instant, to testify by the way of deposition in behalf of William C. Anderson, in a contested election case in the Congress of the United States House of Representatives, for the fourth congressional district, in which James S. Chrisman is

contestant and William C. Anderson contestee ; and this you shall in nowise omit, under the penalty of the law.

Given under my hand this 19th day of January, 1860.

THOMAS R. BARNETT,
Presiding Judge Green County Court.

I appoint M. J. Lewis my special deputy to execute the within.

THOS. C. EDWARDS,
Sheriff Green County.

JANUARY 19, 1860.

Executed in full January 20, 1860, by delivery of a true copy of the within summons to Robert Graham.

M. J. LEWIS.

The Commonwealth of Kentucky to the sheriff of Green county, greeting :

You are commanded to summon Sarah A. Chapman, P. M. Smith, and Letitia Smith to appear before the presiding judge of the Green county court, at the court-house in Greensburg, on the 20th of this instant, to testify by the way of deposition in behalf of William C. Anderson, in a contested election case in the fourth congressional district of Kentucky, before the Congress of the United States House of Representatives, in which James S. Chrisman is contestant and William C. Anderson contestee ; and this you shall not omit, under the penalty of the law.

Given under my hand this 19th day of January, 1860.

THOMAS R. BARNETT,
Presiding Judge Green County Court.

I appoint Q. H. Eastes my special deputy to execute the within.

THOS. C. EDWARDS,
Sheriff Green County.

JANUARY 19, 1860.

We do acknowledge the within subpœna.

P. M. SMITH.
LETITIA A. SMITH.

Executed in full January 20, 1860.

Q. H. EASTES,
Deputy for T. C. Edwards, Sheriff Green County.

The Commonwealth of Kentucky to the sheriff or any constable or town marshal of Greensburg, Green county, greeting :

You are commanded to summon Thompson Lowe, Samuel Sullivan, William Steerman and his wife Sarah E. Parker, to appear before the presiding judge of the Green county court, on the 20th day of this instant, at the court-house in Greensburg, to testify by the way of deposition in behalf of William C. Anderson, in a contested election case in the fourth congressional district in Kentucky in the Congress of the United States House of Representatives, in which James S.

Chrisman is contestant and William C. Anderson is contestee ; and this you shall in nowise omit, under the penalty of the law.

Given under my hand this 19th day of January, 1860.

THOS. R. BARNETT,
Presiding Judge Green County Court.

January 20, 1860, summoned Wm. Steerman, Sarah Steerman, Samuel Sullivan, and T. Lowe.

W. T. HAGAN,
Constable Green county.

The deposition of John H. Ward, taken on the 19th day of January, 1860, at the court-house in the town of Greensburg, Kentucky, to be read as evidence in a contested election between James S. Chrisman, contestant, and W. C. Anderson, contestee, pending before the House of Representatives of the 36th Congress of the United States. The witness, first being duly sworn, testified as follows, to wit :

Question by Anderson's attorney. State what you know about the opening of the poll-books of the county of Green, State of Kentucky, after the election of August, 1859.

Answer. On Tuesday immediately following the August election in 1859, I was in the county clerk's office of Green county, Kentucky, and found the poll-books for Green county opened, and the county clerk, Mr. Robert Marshal, Mr. Thomas R. Barnett, the county judge ; Mr. Alex. Milby, the county surveyor ; and Dr. D. P. White, examing the said poll books. I, on that day, in their presence, examined several if not all said poll-books, and the county judge and clerk told me what the majority was at that time in Green county for Mr. Chrisman and others. The said officers and Dr. D. P. White are all democrats. On the 22d day of August I further state that I asked, in the presence of J. J. Durham and others, the said county clerk and judge for a certificate of the facts concerning the opening of the poll-books ; the said officers at first signified their intention to give said certificate ; but after waiting three or four days on them, and frequently asking for said certificate, they finally refused to give it, and have never yet given it.

Cross-examined.

By Chrisman's attorney. Did you see or know of any of the said poll books being out of the possession and custody of Robert Marshall, the clerk of the Green county court ?

Answer. I neither saw nor know of any of said poll-books being out of the clerk's office for Green county prior to the day appointed by law for the county poll-books to be examined and certified to the board at Frankfort, but saw them in the hands of different persons in said office, but always in the presence of said clerk.

By same. Was or not Mr. Chrisman's majority in Green county, as first reported by the said officers on Tuesday after the election, as you have stated, the true and same majority which was by the said officers afterwards certified to the examining board at Frankfort ?

Answer. I do not know what majority was certified to the board at Frankfort ; the majority reported to me by said officers is, as I understand, still the majority for Mr. Chrisman, viz : 199.

By same. Were not the said poll-books, when opened as you have stated, free to the inspection of Mr. Anderson's as well as Chrisman's friends in the presence of the clerk ; and were they not examined by persons of both political parties ?

Answer. They were free to all, and examined by all who wished it, in the presence of said clerk.

And further this deponent saith not.

JOHN H. WARD.

Also the deposition of William J. Chaney, taken at the same time and place for the same purpose. Deponent, being of lawful age and duly sworn, deposed as follows :

Question by Anderson's attorney. You will state whether or not you are a brother of Samuel Chaney ; also, from the best information you had on the subject, whether he was twenty-one years old at or before the August election held in 1859 for Congressmen and other officers.

Answer. I saw my brother on the Saturday before the election came off, and he told me that he thought he would not vote, because he did not think he was old enough. He also said that he did not know his age, and was afraid to vote unless he was certain he was old enough. I am older than my brother Samuel.

By same. For whom did he vote at the last August election for Congress ?

Answer. I heard him say he voted for James S. Chrisman.

By Chrisman's attorney. Where do your parents live, if living at all ?

Answer. My father is dead ; my mother lives in Green county, about seven and a half miles from the courthouse in Greensburg.

By same. Is she or not able to travel to Greensburg with convenience ?

Answer. She is not able to travel to Greensburg with convenience ; she could not come any way.

By same. Are there not neighbors of your mother who have lived near her, and known her and your brother Samuel from his birth, and who are old enough to remember his birth, who are able to come to Greensburg ?

Answer. There are such persons as described in the question living near my mother able to come to Greensburg, Kentucky ; they have lived near her from my first recollection, but I cannot say how long before that time.

By same. How old are you ?

Answer. I am twenty-three the the 20th day of December, 1859.

By same. For whom did you vote for Congress at the last August election for Congress ?

Answer. I voted for William C. Anderson for Congress at the last August election.

By same. Were you or not an active and zealous friend of Mr. Anderson's in said race ?

Answer. I was an active and zealous friend of Mr. Anderson in said race.

By same. What is the nature of your mother's present inability?

Answer. She has typhoid pneumonia; she has not been able to travel about for twelve months.

By same. Is or not the said Samuel Chaney the next oldest child in the order of births of your mother's children?

Answer. I am not old enough to know of my own personal knowledge; there are two children older than myself; and in our raising my said brother Samuel was next to me in size, and there was but one other child besides him younger than I am, and that one was smaller and looked younger than my said brother Samuel.

By Mr. Anderson's attorney. Is there any persons living near your mother able to come to Greensburg who you know were there at the birth of your brother Samuel?

Answer. There is no one that I know of.

By Chrisman's attorney. Have you or not an older brother than yourself residing in Green county?

Answer. I have an older brother than myself living in Taylor county, about ten miles from the courthouse in Green county, Kentucky.

By same. What are his politics, and for whom did he vote for Congress at the last August election?

Answer. I do not know his politics.

[Anderson's attorney objects to all that portion to this deposition which is embraced in the examination by Chrisman's attorney, from the fact that the deposition had been closed in the examination in chief, the cross-examination and re-examination all having been closed, and the deponent having signed his name.]

And further the deponent saith not.

WILLIAM J. CHANEY.

Also the deposition of William Chapman, taken at the same time and place for the same as mentioned in the caption, being duly sworn and of lawful age, deposed as follows:

Question by Anderson's attorney. State whether or not you are acquainted with Samuel Chaney?

Answer. I have known him since the year 1839; I saw him in February or March of that year, and he seemed to be about two or three months old; he was then a small helpless child—it was during cold weather.

By same. From the best knowledge you have of the matter, state whether or not at the last August election he was twenty-one years old?

Answer. I saw him at the time before stated, and from what I know of the circumstances I do not think he was. He said he thought he would be old enough to vote at the election last August. He told me since the election that he had never had to pay any poll-tax last year, from the fact that he was not old enough. He told me that he did not know how old he was. He said they had no family record at home, but his uncle, William Stearman, had a book with his age recorded in it, and the rest of his brothers and sisters also.

By same. For whom did Samuel Chaney vote for Congress at the August election in 1859?

Answer. I did not hear him vote, and cannot read writing. I cannot, therefore, tell from the poll-book for whom he voted.

By same. Do you know of any other Samuel Chaney in the said fifth voting precinct?

Answer. I do not.

Cross examined.

By Chrisman's attorney. As you cannot read or write, what enables you to remember the date in which you saw the child, Samuel Chaney?

Answer. I can neither read nor write; I have a younger brother who was upwards of a year old when I saw Samuel Chaney in childhood; I arrive at the date or year in which I first saw said Chaney by what I have been told about the record of my younger brother's age aforesaid, and what I know, have seen, and heard.

By same. Although you remember the event of your said younger brother's birth, yet is it not true that you do not remember the year in which he was born, except what you have been told about the way the record of his birth reads?

Answer. I remember the event of my said brother's birth, but can't remember the year in which he was born, except by what I have been told about the record of his birth.

By same. For whom did you vote at the last August election for Congress?

Answer. I voted for William C. Anderson for Congress at the last August election.

By same. Are you not positive with regard to seeing Samuel Chaney in February or March, 1839; and was he not, as you before stated, a helpless infant not more than two or three months old at that time?

Answer. I do not think that I am mistaken with regard to the date; I know that it was about February or March, and that he was not more than two or three months old at that time.

And further deponent saith not.

WILLIAM A. ^{his} + CHAPMAN.
mark.

Attest:

THOS. R. BARNETT,
Presiding Justice Green County Court.

The deposition of R. T. Chapman, taken at the same time and place, for the same purpose mentioned in caption above. Deponent, being duly sworn and of lawful age, says as follows:

Question Are you acquainted with Seldon Renfro?

Answer. I am.

Question. Where was he living during the year 1859? State all you know about his residence.

Answer. He lived at John H. McGlasson's, in Green county, Kentucky, until about February of the year 1859. He moved from there to Hart county, Kentucky, where he remained until about the third Saturday of July of the same year. He told me before leaving that

he intended going to Samuel Renfro's, in Hart county, for the purpose of making a crop with him. A week or more after the last August election he went to Hart county and brought his clothes back to his father's in Green county.

By same. Did or not said Renfro reside at Samuel Renfro's, in Hart county, from the time he left McGlasson's, in February, until about the third Saturday in July, 1859?

Answer. He did ; he told me so.

By Chrisman's attorney. When did Selden Renfro tell you that he resided at Samuel Renfro's, in Hart county, from the time he left McGlasson's, as you have stated, until the third Saturday in July last?

Answer. It was the next day after the last August election.

By same. Where did he go from when he went to Hart, as you have stated?

Answer. He went from John H. McGlasson's, in Green county.

By same. Did said McGlasson reside in the same voting precinct of Green county that James L. Renfro, the father of said Selden Renfro, resided in?

Answer. He did. It was the upper Brush Creek precinct, No. 5, of Green county, Kentucky.

By same. Was the said Seldon Renfro single or married ; and how old?

Answer. He was single, and about twenty-eight years old.

By same. What property had he ; and had he not always made his home at his father's up to that time?

Answer. He had no property up to that time but his clothes that I know of. He had not made his home at his father's all the time up to that time.

By same. How do you know that he either went to Hart county, or lived there, as you have stated, except what he told you the next day after the late August election?

Answer. I know by what he told me before he went there. He told me he was going, and then after the election told me he had been.

By same. Is what he told you all you know about it?

Answer. That is all I know about it, is what he told me.

By same. Did he or not always return to his father's after working ; elsewhere, and does he not now reside at his father's?

Answer. Before the last trip he always returned to William Coakley's in the said fifth voting precinct of Green county, Kentucky.

By same. How far from his father's to the place he told you he went to in Hart county?

Answer. I don't know anything about the distance. I have no knowledge of the place he said he went to in Hart county.

By same. When he told you he was going to Hart county, did he or not also tell you he was coming back to Green county again?

Answer. No, sir ; he did not.

By same. Did he tell you that he never intended to return to Green county?

Answer. He said nothing about returning.

By same. Do you know that he voted in the last race for Congress?

Answer. I do not.

By same. Do you know that he ever made any crop in Hart ; or if he did, what he did with it?

Answer. I do not, only what he told me. He told me he sold his crop in Hart.

By same. What are your politics ; and for whom did you vote for Congress at the last August election?

Answer. I voted for Wm. C. Anderson for Congress. My politics are opposition.

Question by counsel for W. C. Anderson. Is or not the Selden Renfro of whom you speak named William S. or William Selden Renfro?

Answer. Yes.

By same. Is he or not a man without a family?

Answer. Yes.

By same. Had he or not been working for Wm. and Thomas Coakley and J. H. McGlasson, for several years before he went to Hart county in February, 1859 ; and did he or not make his home and claim his residence with those for whom he worked during the time he staid with them?

Answer. Yes, sir ; for some two or three years, and of course he made his home and claimed his residence with them during the time he staid with them.

By same. State whether or not he has resided or made his home at his father's at any time within two years before the third Saturday in July last.

Answer. I don't think he has ; I live within a mile of his father's. And further saith not.

his
R. T. + CHAPMAN.
mark.

Attest :

THOS. R. BARNETT.

Also the deposition of Thos. C. Edwards, taken at the same time and place for the same purpose mentioned in caption.

Deponent being of lawful age and duly sworn, testified as follows :

Question by Mr. W. C. Anderson's attorney. State, if you know, for whom Wm. S. or Selden Renfro voted at the last August election for Congress.

Answer. I don't know for whom ; I have now before me the poll-book for the fifth district in Green county, from which I see that Wm. S. Renfro voted for James S. Chrisman for Congress.

By same. State whether or not the said Wm. S. Renfro told you that he was not a resident of Green county, and that he was not entitled to vote at the last August election ; state all he said on that subject.

Answer. I was talking to the said Wm. S. Renfro about the election some time about the last of July last, and he told me that he was not entitled to a vote in this county ; that he was a resident of Hart county, and was making a crop there.

By Mr. Chrisman's attorney. Did he tell you that he resided in

Hart county at the time you talked with him, as above stated, or that he had made a crop that year in Hart?

Answer. He told me he had just returned from Hart county the day before I talked with him; that he had come over to my neighborhood to make up a school for a Mr. Coakley.

By same. Did he return to Hart county any more after you talked with him as stated?

Answer. I don't know anything about it where he went.

By same. How came he to have this talk with you; were you not insisting that he should vote for Mr. W. C. Anderson for Congress?

Answer. I talked with almost every man I saw. I thought he lived in Green county myself at the time, and I may have been asking him to vote for Anderson; I can't say as to that; think it more likely that way than any other; when I found he did not live in the county I dropped him?

By same. Did you not first, or at the same time at least, think that he was not inclined to vote your way?

Answer. I thought that he had not voted my way for some time; but I thought I would give him a pop and get him to vote for Anderson if I could, and every other one I could get.

By same. Did you or not have it in your head that if you failed to get his vote for Anderson, you would make the discovery that he was not entitled to a vote, and thereby prevent him from casting his vote for Chrisman?

Answer. I did not have such an idea in my head.

By same. Who were present and heard the interview about which you have herein deposed.

Answer. There was no person at all.

By same. Did he or not learn that you desired his vote for Anderson before he informed you that he was not entitled to vote, and are you not satisfied that he was merely attempting an evasion of your effort?

Answer. I don't know whether he did or not; I would not think any man would tell a lie to avoid telling who he was going to vote for.

By same. Were you not actively, and for some time prior to the late August election all your time, engaged for the success of Mr. Anderson in the last race for Congress?

Answer. I did what little I could to procure the election of Anderson; I was not all my time engaged for that purpose. August court was coming on, and I had a great deal of other business to do. I was the sheriff of Green county. And further deponent saith not.

THOS. C. EDWARDS.

Adjourned the taking depositions in this case until to-morrow morning, 9 o'clock a. m.

THOMAS R. BARNETT, *P. J. G. C. C.*

Parties by their attorneys met according to adjournment, January 20, 1860, and proceeded to take other depositions in this case.

THOMAS R. BARNETT, *P. J. G. C. C.*

Also the deposition of William J. Underwood, taken at the same time and place for the same purpose mentioned in first caption. Deponent being of lawful age and duly sworn testified as follows :

Question by Mr. Anderson's attorney: State whether or not you are acquainted with William S. or Selden Renfro ; state also all you know about his residence, and for whom he voted for Congress at the last August election.

Answer. I am acquainted with William S. Renfro ; he lived in Green county, Kentucky, at the time of the August election in 1859. He was a man of various occupations ; sometimes lived with William and Thomas Coakley in Green county ; was sometimes in the south with them, and sometimes lived with his father in Green county, Kentucky ; but two or three months (do not exactly know how long) before the election he went to Hart county, Kentucky, to work on his uncle or cousin's farm, where he remained until a few days before the election. I heard him say he would vote for Chrisman, and heard his vote cried by the sheriff for him ; and I saw his name recorded for him on the poll-books.

By Mr. Chrisman's attorney. Where do the parents of said Renfro reside ?

Answer. In Green county in the fifth voting precinct where he voted.

By same. Which of the places at which he worked, as you have stated, are in the same precinct ?

Answer. All of them except in Hart county and when he went south.

By same. Did he or not tell you that he was going to Hart county to work awhile only ?

Answer. He said he was going down to Hart county to work ; if he said whether he was or not coming back I have no recollection of it.

By same. How far do you live from his father's ?

Answer. I lived then about one and a quarter mile ; I now live about three and a half miles.

By same. How far from the fifth voting precinct in Green county to where he said he was going to work in Hart county ?

Answer. About thirty or thirty-five miles, I reckon ; I don't know the distance exactly.

By same. Does he or not now reside in the said fifth voting precinct of Green county, Kentucky ?

Answer. I don't know where he makes his home ; he is gone south now ; he did make his home at Coakley's in the said fifth precinct before he started south ; at least he was working for the Coakleys ; I don't know whether he made his home with them or not.

By same. What amount of intelligence has the said Renfro, and is he a lawyer or a young man of any knowledge or reading in the way of law ?

Answer. He is a young man of ordinary intelligence and common education ; he is no lawyer, and has no reading in that way as far as I know.

By same. For whom did you vote for Congress in the last race ?

Answer. For Wm. C. Anderson.

And further the deponent saith not.

WILLIAM J. UNDERWOOD.

Also the deposition of P. M. Smith, taken on the 20th day of January, 1860, at the same place for the same purpose as mentioned in first caption above.

Witness being of lawful age and duly sworn, deposes as follows :

Question by Anderson's attorney. State whether or not you are acquainted with Samuel Chaney, and if so, how long you have known him ?

Answer. I am acquainted with him, and have known him nearly ever since his birth.

By same. State all you know concerning his age, whether or not he was twenty-one years old at or before the last August election, and also give the reasons you have for remembering his age, if you have any.

Answer. From all the knowledge I have on the subject, I do not think he was twenty-one years old at the last August election. The facts as I know them are these: I have a son myself that will not be twenty-one years old until the 4th of February, 1860, and I know that there is not more than one month or six weeks' difference in their ages; therefore he could not have been twenty-one years old at the August election in 1859. And I do not know which was the oldest, he or my son.

By same. Have you or not lived near the family for some years past, and are you not well acquainted with the family ?

Answer. I have lived near the family for twenty-four or five years, and have been acquainted with his father since I was a small mill boy, and I am now forty-one years old.

By same. State whether or not you know for whom he voted for Congress in the last August election, and also whether you know of any other Samuel Chaney in the fifth district of Green county, Kentucky, or any other Samuel Chaney who lives any where in Green county, Kentucky.

Answer. I did not hear him vote, but I see by reference to the poll-book of the fifth district of Green county, Kentucky, his name is recorded for Mr. Chrisman for Congress. I know of no other person by that name either in that district or any where else in the county.

[Chrisman, by his attorney, excepts to the reading of this deposition of P. M. Smith, because he hath had no notice that such witness would be examined on this 20th day of January, 1860, his name not being embraced in the original notice, which continues from day to day, and the amended notice does not; and not waiving such objection, proceeds to cross-examine the witness.]

By Chrisman's attorney. Is there not a bible record of the age of Samuel Chaney, aforesaid ?

Answer. I don't know of my own knowledge ?

By same. Have you any recollection of the year in which your son, about whom you have spoken, was born, distinct and unaided by your bible record of your son's age ?

Answer. I have no recollection of my said son's age distinct and unaided by my bible record of his age. I go by my record in fixing his age.

By same. Who made that bible record, and when was it made ?

Answer. I made the bible record of his age, and pretty soon after he was born.

By same. Are you sure that it might not have been another of Mr. Chaney's children whose age differed from your son's age only a month or six weeks, and not the said Samuel?

Answer. I don't think I am mistaken about its being Samuel, because I have still a younger child whose age does not differ much from the age of Mrs. Chaney's next child; myself and Mrs. Chaney have spoken of these things when we lived near each other.

By same. You do not remember the said Samuel by name when he was a small child, do you?

Answer. I remember him by name, I suppose, from the time he was named; I have known him pretty much from his birth; I have frequently been called into the family to bleed and administer medicine to them.

By same. You do not know that the name of Samuel Chaney which you have seen on the poll-book and the vote thereto annexed was placed there by the direction of the said Samuel Chaney, or that it is his name and vote, do you, or that the said book is the true poll-book which it purports to be?

Answer. I do not know how it came there; I do not know whether the book I have examined is the true poll-book or not; Chrisman's attorney admits it to be the true poll-book; witness states that he knows of no other Samuel Chaney in Green county, and is pretty well acquainted in the county.

By same. Where does the said Samuel Chaney now reside?

Answer. In Green county, and the 5th precinct there.

Question by Anderson's attorney. State whether or not from the fact that you placed the name of your son on your bible record, and other things which were impressed upon your mind at the time, you are not satisfied you are correct about Samuel Chaney's age.

Answer. Yes; I am satisfied from the circumstances that I mentioned above.

And further deponent sayeth not.

P. M. SMITH.

Also the deposition of Mrs. Sarah A. Chapman, taken at the same time and place of the one above, and for the same purpose as mentioned in caption of first.

Deponent being duly sworn, and of lawful age, deposeth and sayeth as follows:

Question by Anderson's attorney. State whether or not you are acquainted with Samuel Chaney; and if so, how old he was at the last August election, whether or not he was twenty-one years old at that time.

Answer. I am acquainted with Samuel Chaney, and have been since the year 1839, and I don't think that he was twenty-one years old at the last August election; reason why I remember his age is, that myself and Mrs. Smith, and Mrs. Chaney, the mother of Samuel Chaney, were all at my brother Wm. Stearman's, and we all had children, which were infants; this was in the latter part of February

or 1st of March, 1839, and Samuel Chaney then was but a small babe, not more than two or three months old.

[Chrisman, by his attorney, excepts to this deposition of Mrs. Sarah A. Chapman, because he has had no notice that such witness would be examined, and not waiving the exception, proceeds to cross-examine the witness.]

By Chrisman's attorney. What enables you to remember the year in which yourself, Mrs. Smith, and Mrs. Chaney were at Mr. Stearman's?

Answer. I was fixing to move away at the time, and moved a few weeks afterwards, and I know it was in the year 1839 that we moved.

By same. Were you and Mrs. Smith, and Mrs. Chaney all together at Wm. Stearman's only once?

Answer. Only once that spring.

By same. Are you sure that the young child which Mr. Chaney then had at Stearman's might not have been another of her children, and not Samuel.

Answer. It was Samuel; I remember him by name.

By same. How many children have you?

Answer. I have eight.

By same. Please give me the date of each one's birth?

Answer. I have the dates of their births at home, but may not recollect right, and am unwilling to undertake to give the dates of their births.

By same. Can you give me the date of your marriage?

Answer. I don't know that I can; I have that at home, also.

By same. Have you any record of the year in which you moved after seeing Mrs. Smith and Mrs. Chaney at Stearman's, as you have stated?

Answer. I don't know for certain that I have; I may have it somewhere.

By same. Can you recollect the date of any other transaction or event that you have ever witnessed except the date of said move in 1839?

Answer. I know the dates of some of my children's births, I think.

By same. Do you recollect the date in which you made any other move; if so, give it?

Answer. I don't know that I could state positively the date of any other move or moves.

By same. How often have you moved in all?

Answer. I think I have moved about eight times, short distances, except the one mentioned.

By same. What year is this since the Christian era?

Answer. It is 1860.

By same. In what year were you born?

Answer. In 1811.

By same. How old does that make you?

Answer. Forty-nine on my birth day.

Question by Anderson's attorney State whether or not it is not from the fact that your father died in 1839, and also from the fact that you moved further than at any time previous?

Answer. It was because my father died in the year 1838, and from the fact that I was about to move further at that time than I had ever moved before.

And further deponent sayeth not.

SARAH ^{her}+ A. CHAPMAN.
mark.

Witness :

THOMAS R. BARNETT.

Also the deposition of M. J. Lewis, taken at the same time and place as the above, and for the same purpose as that mentioned in first caption.

Witness being duly sworn, and of lawful age, deposeth and sayeth as follows :

Question by Anderson's attorney. State whether or not you are acquainted with William Romines, and also where he was living at and before the August election?

Answer. I am acquainted with said Wm. Romines ; at the time of the August election, 1859, he lived with Fielding Vaughn, about half a mile from the Green county line, in Hart county, Kentucky, and had lived there for about one year before the election ; I do not know where the line is only from what I have heard persons generally say ; I know that those who lived at the place he was at always voted in Hart county.

By same. State whether or not he did not remain in that county after the election for some time?

Answer. Yes ; he was in that county for some time after the election ; when he moved from that place he went to Robinson's creek, in Taylor county, at least he told me that he was going there, and the man who moved him came by my house with the wagon.

By same. State whether or not he owned any farm or house in Green county?

Answer. I don't think he owned a house or farm anywhere.

By Chrisman's attorney. What family had Wm. Romines, and where did they reside at the last August election?

Answer. He had two children, small children, and they lived at his father's, in the 4th voting precinct of Green county.

By same. How far from the place he was at (supposed by you to be in Hart county) to his father's?

Answer. Something near four miles.

By same. Where were his clothes and washing during his stay at the said place?

Answer. I don't know.

By same. When he went to Fielding Vaughan's, as stated, where did he go from?

Answer. He went from his father's, I reckon ; he never made any steady home anywhere much before he went to Vaughn's.

By same. Did he ever have a home that you know of before going to said Vaughn's except at his father's?

Answer. Not that I know of.

By same. Who did you ever hear vote in Hart county who resided

at the said Vaughan's place where said Romines stayed as you have stated?

Answer. Samuel Bennet, an old man.

By same. Do you know of your own knowledge where the Green county line runs, or that part of it which runs near said Fielding Vaughn's?

Answer. I don't know where it runs of my own knowledge; Vaughn, as I have stated, lives near a half mile from where I have heard people say it runs.

By same. What was said Romines following while at Vaughn's?

Answer. I don't know exactly what.

By same. How far did you live last August from said Fielding Vaughn's.

Answer. Between five and six miles, I reckon.

By same. How often did you see said William Romines at said Vaughn's?

Answer. I saw him there several times, I reckon.

By same. What was he doing when you saw him there?

Answer. Knocking about the house.

By same. Was it on Sunday or business days that you saw him at Vaughn's?

Answer. Both in the week and on Sunday.

By same. Did you not as often see him at his father's during the same time?

Answer. I never saw him at his father's more than twice during that time. I was not at his father's often; I lived two miles from his father's.

Question by Mr. Anderson's attorney. State whether or not the said William Romines did not tell you that he made his home at the said Fielding Vaughn's.

Answer. He did.

By same. State whether or not the Samuel Bennett who you heard vote did not live at the same place at which Fielding Vaughn, before spoken of, then lived.

Answer. He did.

By same. For whom did William Romines vote for Congress at the last August election?

Answer. I did not hear him vote, but I see his name recorded on the poll-book for district No. 4, of Green county, Kentucky, as voting for Mr. Chrisman.

And further deponent saith not.

M. J. LEWIS.

Also the deposition of Thompson Lowe, taken at the same time and place as the above, and for the same purpose as mentioned in the first caption.

Witness, being of lawful age and duly sworn, deposeth and saith as follows:

Question by Anderson's attorney. State whether or not you are acquainted with Daniel Sullivan, sr., and, if you are, where he has made his home for the last two or three years.

Answer. I have been here about thirty years, and have known him about twenty-eight years at least; he first lived in Green county, Kentucky; from thence he moved to Hardin county, where he remained one or two years, and made one or two crops; I have been at his house in Hardin county, Kentucky; he moved back from Hardin to Green county, Kentucky, about twelve or fifteen months ago, I think; he came to Green county, Kentucky, in the fall and about Christmas; he left this county again, and he told me he was going to Adair county to live with his son George; he remained there for some time, but told me that they did not get along there very well, and that he intended leaving there; he has not very many clothes—usually carries them with him wherever he goes; he returned again to Green county, Kentucky, about the 8th or 10th of June, 1859; he told me that he was going back for his clothes.

By same. State whether or not he is not a man that moves from place to place, having no home or residence of his own?

Answer. I suppose that he has no home or residence in this county; he never had any residence that I know of, only in Hardin county; he left his wife in Hardin county where she remained until some one brought her back to Green, as I understood.

By same. State whether or not before he went to Hardin county he did not claim your house as his home?

Answer. He did on one occasion, I know. He voted in our district once; I think probably he was sworn, but cannot say.

By same. State whether or not you live in the Graves precinct No. 2, in Green county, Kentucky.

Answer. I do; and have voted there every year since it has been a precinct.

[Chrisman's attorney excepts to the reading of the foregoing deposition of Thompson Loe or Lowe, because he hath had no notice that such witness would be examined on this day, January 20, 1860, his name not being in the original notice, which provides for continuing from day to day, commencing on the 19th January, 1860, but in the amended notice, which embraces the 19th of January only, and not waiving such exception, proceeds to cross-examine.]

Question. Has or not the Daniel Sullivan, of whom you have spoken, resided in Green county, Kentucky, nearly all the time for the last twenty-eight years?

Answer. He has with the exception of two or three years.

By same. While in Hardin county, as you have stated, had he or not a wife with whom he lived and cohabited at that time?

Answer. He had a wife with whom he lived at that time.

By same. When he returned to Green county, as you have stated, did he or not abandon and separate from his wife?

Answer. When he returned from Hardin, as I have stated, he left his wife there, and said he never intended to live with her any more.

By same. Has he ever lived with her since?

Answer. I think not.

By same. In what voting precinct of Green county does Samuel B. Sullivan, with whom the said Daniel Sullivan sometimes lives, reside?

Answer. In the second precinct.

By same. Where did the said Daniel Sullivan return to first when he came from Hardin county?

Answer. I expect he made his first stop at my home, as that was the nearest point to Hardin county, where he came from.

By same. Where did he reside from the 8th or 10th of June last until the August election?

Answer. He was sometimes at my home, sometimes at S. B. Sullivan's, and the widow Sullivan's; I saw him at William Finn's once, of Green county; I never saw him at said Finn's but once; I judge more from seeing him pass in the direction of Finn's.

By same. Has he any property, or children residing with him?

Answer. He has a fine mare—that is all, and has but one child; he is married and residing in Adair county, Kentucky.

By same. In what voting precinct of Green county, Kentucky, does William Finn, where you saw said Daniel Sullivan, reside?

Answer. In the town precinct No. 1, I suppose.

By same. Have you or not frequently seen the said Daniel Sullivan passing to and fro in the direction to and from said William Finn's?

Answer. He frequently starts from my house in that course and comes back the same course.

By same. Is that the proper course to S. B. Sullivan's, or to any other places which the said Daniel Sullivan visits, except the said William Finn's?

Answer. It is the proper course to Enoch Sullivan's as well as to William Finn's; the said Enoch Sullivan is his brother, and lives in the town precinct No. 1 of Green county, Kentucky.

By same. Has or not the said Daniel Sullivan many other relations residing in the town precinct No. 1 of Green county, Kentucky?

Answer. None but Enoch's family that I know of.

By same. Has he or not frequently kept his clothes at said Enoch's or Finn's?

Answer. Not that I know of.

By same. Do you know, except from what he said, that he went to his son's in Adair county?

Answer. I do not, except what he told me.

By same. Does he or not talk a good deal that is not reliable?

Answer. I think he is a man of truth pretty much when sober.

Question by Anderson's attorney. State whether or not Samuel B. Sullivan, the widow Sullivan, and yourself live in the Graves precinct of Green county No. 2.

Answer. Both they and myself live in precinct No. 2.

By same. State whether or not Daniel Sullivan is a truthful man.

Answer. He is one of the best behaved men when sober I ever saw; I don't think that he would tell a lie for gain, or to the damage of any one.

And further this deponent saith not.

THOMPSON LOWE.

Adjourned the further taking of depositions in this cause until tomorrow morning at 9 o'clock A. M.

THOMAS R. BARNETT, P. J. G. C. C.

January 21, 1860.

Parties by their attorneys met according to adjournment, and proceeded to take other depositions.

THOMAS R. BARNETT, *P. J. G. C. C.*

Also, the deposition of Samuel T. Wilson, taken at the same place, on the 21st day of January, 1860, for the same purpose as mentioned in first caption at the beginning.

Witness being of lawful age and duly sworn, deposeth and saith as follows :

Question by Anderson's attorney. State whether or not you were in the clerk's office of Green county, Kentucky, on Tuesday the 2d day of August, 1859, the day after the election, and whether or not the poll-books were not in from the various precincts and open at that time.

Answer. I called at the county clerk's office, of Greene county, in the morning, the Tuesday after the election, and asked Mr. Marshall, the clerk, what the vote of the county was? He told me that all the poll-books were in except from one precinct; he said he had not opened the books, but would do it so soon as Judge Barnett came in. I called again in the evening of the same day, about one o'clock, and the books were open and various persons were examining them.

By same. State whether or not if any one might not have altered said poll-books without the knowledge of the clerk if they had desired.

Answer. I can only answer that in this way; different persons were in the office and some of them had the poll books of one or more precincts at one table examining them, while Mr. Marshall, the clerk, was engaged at another table examining others.

By same. State if you know when the regular certificate was made out by the board.

Answer. I was in the office on Tuesday, Wednesday, and Thursday, and I received an official statement on Thursday, and that is the day I think the final comparison was made.

By same. State whether or not you are acquainted with Isaac Hartfield; also, whether or not he is a foreigner.

Answer. I am acquainted with Isaac Hartfield, and from what he and his brother both told I know him to be a foreigner; he told me himself that he was born in Germany.

By same. State whether or not he has ever been naturalized.

Answer. He told me that he had never been in court but once for that purpose, and that was in 1852, in Louisville, Kentucky; that he took some kind of an oath and got some kind of paper at that time, but did not know whether it was a naturalization paper or not; that he did not now have it, nor did he have it at the August election; that his children had destroyed it. He told me that he was now about thirty-six years old; that he was about twenty-nine years old when he came to the United States.

By same. State whether or not you know for whom he voted for Congress at the August election.

Answer. I understood him that he voted for Chrisman, and see

his name so recorded on the poll-books for precinct No. 4 for Green county, Kentucky.

By same. State whether or not you know the politics of the board of examiners of the poll-books of Green county, Kentucky, and who they were.

Answer. Two of the board were democrats, Judge Barnett, and Marshall, clerk; Thomas C. Edwards was an American, but took no part in the comparison, but signed the certificate after the comparison was made. The full board are, Thomas R. Barnett, judge of the county court; Robert Marshall, clerk of county court; and Thomas C. Edwards, sheriff of Green county,

By same. State whether or not Thomas C. Edwards was present on Tuesday when you first saw the poll-books open.

Answer. I do not think he was.

By Mr. Chrisman's attorney. Was or not the first count made on Tuesday next after the election, as you have stated, the same as that afterwards made and certified by the Green county board to the State board of canvassers?

Answer. The county board did not make any count on Tuesday that I know of. The statement I, with the aid of Mr. Marshall, the clerk of the county court, got from the poll-books on Tuesday, gave Mr. Chrisman a majority of 198 votes in Green county; the official vote turned out to be 199 majority for Chrisman in Green county, which I suppose was right.

By same. Did you see the poll-books unsealed?

Answer. I did not see the seals broke, but saw them, as stated, after they had been opened.

By same. If the said clerk and county judge first broke and examined them, could they afterwards have been altered without detection by said officers, with due diligence on their part?

Answer. If they had counted and ascertained the true majority on first examination, and remembered that majority, they, of course, could detect an alteration which would change that majority; but alterations, in my opinion, might be made which they could not detect in any other way.

By same. Did you ever see and know any of the poll-books for Green county at the last election out of the possession of the county court clerk before the vote thereof was certified to the State board?

Answer. I never did. I always saw them before that time in his office. I think he was always present in the office.

By same. Are you or not satisfied that when you saw the said poll-books opened as you have stated, there were always persons of both political parties present?

Answer. I don't know anything about that; I cannot state.

By same. Were you or not deputy clerk of the county court for Green county at the time of the last August election, before, and since?

Answer. I was.

By same. What are your politics, and for whom did you vote for Congress at the last August election?

Answer. I belong to the American party, and voted for Mr. Anderson for Congress, and for one or two democrats, at the last election.

By same. Are you or not satisfied that the reason why Mr. Edwards, the sheriff, was not present when the books were opened, was because he resides in the country and was not in town at the time?

Answer. My recollection is, that he did not come into the office in time; he resides six or seven miles in the country.

By same. Has it or not been the custom of the officers of Green county charged with the custody of the poll-books after the election to open them before the day appointed by law to make their certificate, to ascertain the true vote for the accommodation and satisfaction of all concerned?

Answer. I know I have seen them opened before the day for certifying the vote prior to last August.

And further deponent saith not.

S. T. WILSON.

Also the deposition of Nicholas McCubbin, taken at the same time and place as the above, and for the same purpose as mentioned in the caption at the beginning:

Witness being of lawful age, and duly sworn, deposeth and sayeth as follows:

Question by Anderson's attorney. State whether or not you are acquainted with Samuel Bennett, jr.; and also state whether or not he was living in this State at and before the last August election; state all you know about him in any way.

Answer. I am acquainted with him, and have been since he was a small boy; he lived in Kentucky until about the year 1857, when he left this State in company with my nephew, who had hired him to go to the State of Illinois with him to work for him one year. He returned to Kentucky again in the year 1858, about October I think, and was living in Green county, Kentucky, at the last August election.

By same. State whether you know he intended to make Illinois his home.

Answer. The only means I have to know where he intended to make his home is from the letter I spoke of yesterday; I have since made diligent search for said letter, and have been unable to find said letter; but I remember that in the letter which I received from him, while he was in Illinois, requesting me to pay off some debts for him, telling me in the same letter that he would settle with me himself some time when he came into Kentucky, or would send me the money; he told me in the same letter that he did not expect to make Kentucky his home any more, though he expected to return some time to settle up all his business.

By same. State whether or not since his return to Kentucky he has ever referred to or mentioned said letter.

Answer. I have no recollection whether he did or not; I did not pay out any money for him.

By same. State whether or not you know for whom he voted for Congress at the last August election.

Answer. I did not hear him vote, but see his name recorded on the

poll-book of precinct No. 4 of Green county as voting for James S. Chrisman.

By same. State whether or not you know of any other Samuel Bennett in said district.

Answer. So far as my knowledge extends I think there is no other, and I am tolerably well acquainted in said district.

By same. State whether or not you are acquainted with William P. Romines; and whether or not you know where his residence was at and before the August election in 1859.

Answer. I am acquainted with him, and have been for some time; for some time before the August election he was living in Hart county, Kentucky, with Fielding Vaughn; I have seen him there frequently; he remained there until some time in December since the election. When he left there he moved to Taylor county, Kentucky.

By same. State whether or not he claimed that as his home.

Answer. He did; he told me that he wished me to post up my accounts against him, as he had been living with Vaughn for a long time, and wished to settle with him, and see what he had been doing, as Vaughn was to pay off his accounts with me; and Vaughn also told me that he would pay Romines's accounts with me.

By Chrisman's attorney. Did or not the said Samuel P. Bennett purchase a piece of land in Green county, Kentucky, before he went to Illinois to work a year as you have stated; and did he or not go to work a year as stated for the purpose of raising money to pay for the land which he left unsold; and did he not return and pay for the land?

Answer. He did purchase a piece of land in Green county, Kentucky, before he went to Illinois to work as I have stated; I suppose he went to work in Illinois to raise money to pay for the said land. He left the land unsold. I learned that he sent a check to his father before his return, and paid mostly for the land before he returned; this I learned from him after he returned.

By same. Did he or not return and reside upon the said tract of land?

Answer. He did return and reside upon said tract of land up to some time back, when he sold it out.

By same. How was the land used and occupied during his stay in Illinois?

Answer. Mr. William Jewell rented the land of the said Mr. Bennet before Bennet started to Illinois.

By same. Was or not the said Mr. Bennet a single man until after he went and returned from Illinois?

Answer. He was; he married a little over twelve months back.

By same. Are you acquainted with the handwriting of the said Mr. Bennet?

Answer. I can't say I am very well acquainted with it, his scholarship is very limited.

By same. Whose handwriting was the letter you received and have spoken of in?

Answer. I do not know; the letter had his name to it, and purported to be from him; I don't know who wrote it.

By same. Does or not the said Bennet still reside in Green county, Kentucky?

Answer. I suppose he does.

By same. How long was he in Illinois?

Answer. He left here, in my recollection, in the latter part of February, 1857, and returned in the fall of 1858.

By same. Did he have any other property here save his land, while he was in Illinois?

Answer. None that I know of.

By same. Have you or not heard him say since his return that he all the time intended returning?

Answer. He said he wrote to his father to sell his land and move out to Illinois, and if his father had done so, he would not have come back to Green county, Kentucky.

By same. Before he started, did he or not say he was going to work, and intended returning to Green county, Kentucky?

Answer. I don't know whether he used them words or not, but such was my understanding.

By same. Were you along when the line between Green and Hart counties, near Fielding Vaughn's, was run at any time?

Answer. I was, two or three times.

By same. Was or not William P. Romines a widower when he lived at Fielding Vaughn's, in Hart county, as you have stated, and had he not two small children residing at his father's, in the fourth voting precinct of Green county, Kentucky?

Answer. I suppose he was a widower at that time; I think he had two or three children, which were all he had, so far as I know, residing at his father's in the fourth voting precinct of Green county, Kentucky, during the time he was at Fielding Vaughn's.

By same. How far from Fielding Vaughn's, where he staid in Hart county, to his father's in Green county, Kentucky?

Answer. A part of the time it was not more than three-quarters of a mile, and a part it was about two or two and a half miles.

By same. Did or not the said William P. Romines keep his clothes and washing at his father's while he was at Vaughn's?

Answer. I do not know; I suppose he did, from the fact that I saw him pass in the direction of his father's several times.

By same. Were his trips to his father's mostly on Saturday evening and Sabbath, or not?

Answer. I could not say.

By same. Did he not reside in Green county, Kentucky, and keep house therein up to the death of his wife?

Answer. I learn from him that he did.

By same. When his wife died, did he not move his children and household to his father's?

Answer. I learned from him, I think, that he did.

By same. Have you ever known him to move any of that property from his father's before the last August election?

Answer. I never knew him to move any of said property from his father's.

By the same. What are your politics, and for whom did you vote for Congress, at the last August election?

Answer. I belong to the American party, and voted for William C. Anderson for Congress, last August.

By same. Were you not active and zealous for Mr. Anderson?

Answer. I tried to do less in the last race than I have for a good while. I talked for Mr. Anderson every convenient chance.

Question by Anderson's attorney. State whether or not the letter you spoke of having received from Samuel Bennett, jr., did not contain such facts that enabled you to know that it was either written or dictated by himself.

Answer. He told me before he left, that he wished me or Redmun Parker to settle up his business for him, and that he would write to one or the other of us.

By same. State whether or not this letter was not with regard to his business.

Answer. It was.

By same. State whether or not you know anything of your personal knowledge about the place that W. P. Romines had his washing done?

Answer. I have stated that I did, of my own knowledge.

And further deponent saith not.

N. McCUBBIN.

Also, the deposition of William Ball, taken at the same time and place of the above, and for the same purpose mentioned in first caption. Witness being of lawful age and duly sworn, deposeth and saith as follows :

Question by Anderson's attorney. State whether or not you are acquainted with Thomas Elmore, and for whom he voted for Congress at the last August election. Also, state all you know concerning his age.

Answer. I do not know anything about his age only what he told me himself. On the day of election he told me that he attempted in the morning to vote for Anderson, but they objected on account of his age, and in the evening I saw him again, and he told me that he had voted. I asked him who he voted for. He said for Chrisman, and that they did not ask him a question. I remarked to him that he was old enough to vote for Chrisman, but too young to vote for Anderson, and he replied, yes, and walked off.

[J. S. Chrisman, by his attorney, excepts to the reading of the foregoing depositions of Nicholas McCubbin and William Ball, because their names are not embraced in the original notice, which was for the nineteenth instant, and to continue from day to day ; and the second notice, which embraces said witnesses, embraces the nineteenth day of January only, this being the twenty-first, and, not waving such exception, proceeds to cross-examine.]

By Chrisman's attorney. Do you know who he meant when he said that they objected to his voting in the morning?

Answer. He did not say. I suppose it was the election officers.

By same. What are your politics, and for whom did you vote at the last August election for Congress, and did you not try the said Elmore to vote for Anderson?

Answer. I don't belong to any political party. I vote both ways. I voted for Anderson last August, for Congress. I did not try to get him to vote for Mr. Anderson. He came to me in the morning and told me what I have stated above.

And further deponent saith not.

WILLIAM BALL.

Also, the deposition of John B. Carlile, taken at the same time and place of the above, and for the same purpose as mentioned in first caption, at the beginning. Witness being of lawful age and duly sworn, deposeth and saith as follows.

Question by Anderson's attorney. State whether or not you are acquainted with Daniel Sullivan, jr., usually called little Dan Sullivan, and whether or not you saw him on the day of the August election, 1859, and for whom he voted for Congress at that election, and also what his condition was; whether or not he was sober or drunk.

Answer. I am acquainted with him, and I saw him on the morning of the election. I went with him to the polls and heard him vote for William C. Anderson. He was duly sober. The reason I remember so well about it is, that I knew an effort was making to get him to vote for Chrisman; and he had promised me that he would vote for Anderson, and I wished to see him carry out his promise. And further deponent saith not.

J. B. CARLILE.

Also the deposition of William N. Vaughan, taken at the same time and place of the above, and for the same purpose mentioned in first caption. Witness being of lawful age, and duly sworn, deposeth and saith as follows:

Question by Anderson's attorney. State whether or not on Tuesday after the August election, 1859, Q. H. Eastes brought the poll-book of district No. 5, of Green county, Kentucky, to your store in Greensburg; and also tell all you know about said poll-book.

Answer. Q. H. Eastes brought the poll-book of precinct No. 5, of Green county, to my store, and requested me to seal it for him. I told him I was rather a poor hand, but would get some one to do it for him. I stepped to the door and saw Mr. J. T. Goulder, and called him in, and he sealed it. I asked him what the vote was for that precinct, and he handed me the book and told me to see for myself; but I did not look to see what the vote was, thinking perhaps I had no right to do so, and that it might be wrong. This occurred on Tuesday morning after the August election, 1859.

By same. State if you know for whom Daniel Sullivan, sen., voted for Congress at the last August election.

Answer. I heard him vote for Chrisman.

By same. State whether or not you are acquainted with Wm. Transenditer, and also whether or not you know for whom he voted for Congress at the August election, 1859.

Answer. I am acquainted with Mr. Transenditer, and I understood some time before the election that he intended to vote for Anderson,

and I went to him and he told me that he intended to vote for Anderson, but that there was some dispute with regard to his place of voting. He said that he had been in the Greensburg precinct for sixty-three days, and that he thought that this was the place for him to vote; that it had been his intention to make Green county his home from the time he left Adair county, Kentucky, and that it had been his intention all the time to get a house if he could in Green county to move his family into; that he had made a bargain with Mr. Patterson for a house some time before the election; that the bargain was not entirely complete, but he thought he would get the house, but that if he did not get that house, he would get another house in Greensburg, called the Tucker House, and would move anyhow. I told him if there was any doubt about his place of voting, he must go to Adair and settle the matter. He left Greensburg, and told me that he had seen Judge Melson in Adair county, who lived in his former precinct in that county, who had been a judge of the election frequently, and he told him that Greensburg was his place to vote. I was present, and heard him tell the judges of the election at Greensburg that there was some dispute about his vote. This was after he had voted, and that he knew he had a right to vote somewhere, and wished them to decide then, for he then had time to go back to Adair and vote. If they said he should not vote, he would go back to Adair if he had to walk. They decided that Greensburg was the place. Since the August election he has procured the Patterson House, and is now living in the Greensburg precinct, Green county, Kentucky.

By same. For whom did you vote for Congress at the August election, 1859?

Answer. I voted for Anderson.

By Chrisman's attorney. Was or not the said William G. Transender working by the month in Greensburg, with H. T. Hagan, prior to the last August election, and his family still residing until long after said election in Milltown, Adair county, Kentucky, where said Hagan went and hired him?

Answer. He was at work with Hagan, I don't know how. He told me his family were still in Milltown, Adair county, Kentucky, where they remained, as he tells me, until some time after the last August election, when he brought them to the 1st voting precinct in Green county, Kentucky. On the 20th of August last he closed his contract in writing for the house, as he said.

By Anderson's attorney. State whether or not you are acquainted with Isaac Hartfield, and whether or not he is a foreigner?

Answer. I am acquainted with him. I saw him at his brother's a few days after he came to Green county. I think that was 1853. On yesterday he told me that in Louisville once he went into court and got a paper, but he did not know what it was; that he never was in court only at that time; that the paper he got his little child destroyed.

And further deponent saith not.

W. N. VAUGHN.

Adjourned the further taking of depositions in this case until Monday morning, 9 o'clock.

THOMAS R. BARNETT, *P. J. G. C. C.*

Met pursuant to adjournment, Monday morning, 9 o'clock, January 23, 1860.

THOMAS R. BARNETT, *P. J. G. C. C.*

Also the deposition of Samuel B. Sullivan, taken on Monday, January 23, 1860, at the same place of the above, and for the same purpose as that mentioned in the first caption at the beginning :

Witness being of lawful age and duly sworn, testifieth and saith as follows :

Question by Anderson's attorney. State whether or not you are acquainted with Daniel Sullivan, sen., and also whether or not you know where his residence was at and before the August election, 1859, and also if you know in what precinct he was at that time ?

Answer. I am acquainted with Daniel Sullivan, sen.; for some time before the August election he was part of the time at his son George's, in Adair county, Kentucky, and part of the time at my house ; part of the time at Thompson Lowe's, and part of the time at my mother's. Myself and mother and Mr. Lowe live in the Graves precinct of Green county, No. 2.

By same. State whether or not he made his home in Adair county, Kentucky, and about how long he lived there ?

Answer. He went to Adair county about Christmas, to make a crop with his son, and they did not get along very well, and he came back to Green county some time in June, 1859.

By same. State whether or not he had any farm or house of his own anywhere.

Answer. He did not have any farm or house anywhere.

By same. State whether or not previous to the time he went to Adair county, Kentucky, he had been living in Hardin county, Kentucky.

Answer. He lived in Hardin county, Kentucky, for about two years, I think, previous to the time he went to Adair county. He did not own a farm down there, but rented one.

By same. State whether or not he ever had any home anywhere after he left Hardin county, before going to Adair.

Answer. I do not know whether he did or not ; he was part of the time at my house, and part of the time at mother's and at Mr. Lowe's, as I before said.

By same. For whom did he vote for Congress at the August election, 1859 ?

Answer. I heard him say since the election that he voted for Chrisman.

By same. For whom did you vote for Congress at the same election ?

Answer. I voted for Chrisman.

[Chrisman's attorney excepts to the above deposition of Samuel B. Sullivan, upon the ground that Chrisman had no notice that the deposition of the said Sullivan would be taken.]

Question by same. Can you state positively where the said Daniel Sullivan, sr , resided a short time before the last August election, in 1859?

Answer. He was at Thompson Lowe's the night before the election ; he was sometimes at my house, sometimes at my mother's, and sometimes at Thompson Lowe's a short time before the last August election.

By same. Had the said Daniel Sullivan any known place of residence, to your knowledge, in 1859?

Answer. I do not know.

By same. Where did the said Daniel Sullivan get his boarding and washing done a short time before the last August election in 1859?

Answer. He sometimes did his own washing ; I know that he brought a tub to my house, and know my wife did some of his washing ; he sometimes boarded at my house and sometimes at Thompson Lowe's and my mother's ; he had no fixed boarding place, to my knowledge.

Question by Mr. Anderson's attorney. State whether or not the said Daniel Sullivan, sr., voted in the first or second precinct of Green county.

Answer. He told me that he voted at Greensburg.

And further the deponent saith not.

his
SAMUEL B. + SULLIVAN.
mark.

Witness :

THOMAS R. BARNETT.

Also the deposition of Quintus H. Eastes, taken at the same time and place of the above, and for the same purpose as mentioned in the first caption, at the beginning.

Witness being of lawful age and duly sworn, deposeth and saith as follows :

Question by Mr. Anderson's attorney. State whether or not you were the sheriff of the election held in August, 1859, in the fifth precinct of Green county, Kentucky.

Answer. I was.

By same. State whether or not you returned the poll-book of said precinct to the clerk's office in Greensburg ; also, at what time you did it, and the condition of said poll-book when given to you

Answer. I returned said poll-book to the clerk's office in Greensburg. The judges handed it to me unsealed, and I refused to take it in that condition ; I told them that the clerk at the May election had refused to take my poll-book from that precinct because it was not sealed, and I did not wish to carry him another in the same condition. They then went to Mr. Edwards's store, and also to Mrs. Despair's house, and failing to find any wafers or anything to seal it with, they finally prevailed on me to take it unsealed. When I got to Greensburg I stepped into Mr. Vaughn's store and asked him to give me some wafers to seal it with, and also requested him to seal it for me. He told me that Mr. Goulder was standing at the door, and he would get him to seal it. He spoke to him, and he came in and did seal it.

By same. State whether or not there has been any alterations made in said poll-book, either in the way the vote is recorded or in the footing up of the columns?

Answer. I see that the vote is not recorded in the order that it was taken at said precinct. I see one or two of the first that were taken recorded on the second page. There are 29 votes recorded as having voted before the first man that did vote. Samuel E. Williams, I remember, was the first man who voted, and his name is on the second page, and there are twenty-nine votes recorded before his; whether there has been any alteration I cannot say. There is no alteration in the footing up that I see. My attention was not particularly called to the poll-books until delivered to me. The clerk might have recorded the votes one way and I cried it another.

By same. State whether or not there was any duplicate certificate of the number of votes cast for each candidate retained by the judges or clerk of the election?

Answer. There was none retained or made out. No certificate of any kind was made except that on the poll-book.

Question by Chrisman's attorney. State whether or not you ever have at any time before to-day made a close examination of the poll-book above mentioned?

Answer. I never have.

By same. State whether or not you have ever paid that particular attention at any time to said poll-book as would enable you to state that there has been an alteration either in the recording or footing up of the votes?

Answer. No more than that I recollect that Samuel Williams was the first man that voted.

By same. State whether or not any one examined said poll-book, or had access to it, before you returned it to the clerk's office, but yourself, Mr. Vaughn, and J. T. Goulder?

Answer. No one examined said poll-book from the time it was delivered to me up to the time I delivered it to the clerk.

By same. State whether or not the judges of the election in the 5th district, in Green county, delivered said poll-book to you?

Answer. The poll-book was made out in book form when handed to me by the judges.

By same. State what your politics are, and for whom you voted at the last August election for Congress?

Answer. I voted for Wm. C. Anderson, for Congress, at the last August election; and I am an old line whig. I have voted for whigs and democrats all my life.

By same. State whether or not Mr. Vaughn and Mr. J. T. Goulder, the men who sealed the poll-book, were both opposition men in politics?

Answer. Mr. Vaughn is an opposition man in politics; I don't know what Mr. Goulder's politics are; I know that Mr. Goulder was once an old line whig.

Question by Anderson's attorney. State whether or not the poll-books referred to in your previous answers are not the same that you delivered to the clerk in Greensburg?

Answer. They are, sir.

And further deponent saith not.

Q. H. EASTES.

Also the deposition of Wm. M. Jewel, taken at the same time and place of the above, and for the same purpose as mentioned in first caption at the beginning.

Witness being of lawful age and duly sworn, deposeth and saith as follows :

Question by Anderson's attorney. State whether or not you are acquainted with William P. Romines, and also whether or not you know where his residence was at and before the August election 1859 ; state all you know about it, any way.

Answer. I am acquainted with William P. Romines. In the fall or winter of 1858 he and his father contracted for some property of and his father ; they both remained there until the spring of 1859, Fielding Vaughn, in Hart county, Kentucky, and went to it, both him when Vaughn got the property back from them ; his father moved back into Green county, but William P. Romines remained there with Vaughn until about last Christmas ; he came from there to his father's and remained a few days, and his father carried him in a wagon to Taylor county, Kentucky. Mr. Vaughn told me that the last month he staid with him he hired him by the month, which month was after the August election.

By same. State whether or not it was since the election you heard Mr. Vaughn speak of it.

Answer. Yes ; it was since the election.

By same. State whether or not William P. Romines was over 21 years old when he and his father moved to Hart county, Kentucky.

Answer. I cannot state what his age was, but suppose he was about 25, from the fact that he was a married man, and had one or two children.

By same. State whether or not you know for whom he voted for Congress at the August election, 1859, and where he voted.

Answer. I heard him say he voted for Chrisman ; and I see his name recorded as voting for him on the poll-book for precinct No. 4.

[Chrisman's attorney excepts to the above deposition of William M. Jewel, upon the ground that he was not embraced in the original notice.]

By same. State what time the contract above mentioned was rescinded and the property given up to Vaughn ; also what time old man Romines, the father of said William Romines, moved back to Green county.

Answer. His father (old man Romines) moved back to Green county time enough to make a crop in Green county in 1859. I don't know what time the contract was rescinded between Romines and Vaughn, but I suppose that it was about one month, or may be that it was just a few days, before old man Romines moved back to Green county.

By same. State whether or not William Romines had two children, and whether or not they moved back to Green county with the father

of the said William P. Romines, in Green county, at the time he moved.

Answer. I don't know how many children the said William P. Romines had ; but I saw a child at old man Romines's which the said William P. Romines said was his child.

By same. State whether or not the said William P. Romines has made his home at his father's ever since he moved into the 4th district, and whether he has had his washing done at his father's ever since he moved into the 4th district.

Answer. If the said William P. Romines ever had his washing done at his father's I don't know anything about it ; he was living in Green county with the said Vaughn until he moved to Hart county.

By same. State what your politics are, and who you voted for for Congress at the last August election in 1859.

Answer. I vote for a democrat if it suits me and I like the man ; I voted for William C. Anderson for Congress at the last August election, and I voted for Walton for the Senate of Kentucky at the last August election.

Questions by Anderson's attorney. State whether or not the said William P. Romines ever lived or had his washing done at his father's, while his father was a citizen of Green county, Kentucky, to your knowledge?

Answer. If he ever did, I knew nothing of it ; he might have had it done there, so far as I know ; I know nothing about that.

By same. State whether or not you know of any other W. P. Romines?

Answer. I do not.

Question by Chrisman's attorney. State whether or not to your knowledge the said W. P. Romines ever had any fixed place of residence in 1859?

Answer. Every time I went to Hart county to mill, I saw him at work, attending to the mill and stilling.

Question by Anderson's attorney. State whether or not that was the mill at which you had your grinding done, and whether or not you were frequently there during the year?

Answer. That was the mill at which I had my grinding done, and was frequently there.

And further deponent saith not.

WILLIAM M. JEWELL.

STATE OF KENTUCKY, *scd* :

I, Thos. R. Barnett, judge of the Green county court, do certify that the foregoing depositions of John H. Ward, Wm. J. Chaney, Wm. A. Chapman, R. T. Chapman, T. C. Edwards, Wm. J. Underwood, P. M. Smith, Sarah A. Chapman, M. J. Lewis, Thompson Lowe, Samuel B. Sullivan, Samuel T. Wilson, Nicholas McCubbins, William Ball, John B. Carlile, Wm. N. Vaughn, Quintus H. Eastes, and Wm. Jewell, were taken before me, and were reduced to writing by the attorneys on both sides by mutual consent of parties, and read to each deponent and subscribed to by him in my presence at the times and place, and in the contested case mentioned in the caption at the

beginning of these eighty-two pages, and referred to in each sub-caption; all of the afore-named deponents, having first been sworn to tell the truth, the whole truth, and nothing but the truth, and his statements reduced to writing by the attorneys on either side by mutual consent as before mentioned, and signed by each of them in my presence; both the contestant and contestee being present by their attorneys at the examination.

Given under my hand January 24, 1860.

THOMAS R. BARNETT, *P. J. G. C. C.*

Taxation of costs for contestee.

William J. Chaney	claims 1 day and 15 miles	\$1 50
William A. Chapman	claims 1 day and 24 miles	1 95
R. T. Chapman	claims 1 day and 24 miles	1 95
Wm. J. Underwood	claims 1 day and 26 miles	2 05
Reubin Blevins	claims 1 day and 20 miles	1 75
Nathan Blevins	claims 1 day and 20 miles	1 75
P. M. Smith	claims 1 day and 16 miles	1 55
Sarah A. C. Chapman	claims 1 day and 24 miles	1 95
M. J. Lewis	claims 1 day and 28 miles	2 90
Josiah Mitchel	claims 2 days and 16 miles	2 30
Robert Elmore	claims 1 day and 24 miles	1 95
Thompson Lowe	claims 1 day and 10 miles	1 25
Samuel Sullivan	claims 3 days and 12 miles	2 85
Nicholas McCubbin	claims 3 days and 56 miles	5 05
William Ball	claims 2 days and 20 miles	2 50
Quintus H. Eastes	claims 4 days and 18 miles	3 90
William M. Jewell	claims 2 days and 28 miles	2 90
James L. McCubbin	claims 2 days and 28 miles	2 90
William Martin	claims 1 day and 20 miles	1 75
Henry T. Hagan	claims 3 days	2 55
T. C. Edwards, sheriff, for summoning ten witnesses.....		2 00
A. C. Cox, deputy sheriff, summoning eight witnesses at 20 cts.		1 60
Q. H. Eastes, special deputy, three witnesses at 20 cents.....		60
M. J. Lewis, special deputy, one witness at 20 cents.....		20
M. P. Goulder, special deputy, one witness at 20 cents.....		20
H. T. Hagan, clerk Green county, summoning twenty-two witnesses at 20 cents.....		4 40
January 5—Presiding judge, issuing one subpœna.....	20	
January—To twenty-two copies summons, 10 cts. each..	2 20	
January 19—To four subpœnas, 20 cents each.....	80	
January 23—To one subpœna, 20 cents each.....	20	
		<hr/> 3 40
To four days taking depositions, at \$3 per day.....	12 00	
		<hr/> <hr/> 71 65

Attest:

THOMAS R. BARNETT, *P. J. G. C. C.*

I certify that the pages 21, 22, and 23, in this statement of depositions are twice entered through mistake, but the depositions are right on both as taken.

THOS. R. BARNETT, *P. J. G. C. C.*

KENTUCKY, *Adair County, sct:*

The undersigned, being of the board of examiners for Adair county, state that on the poll-book of the vote taken at Columbia, August 1, 1859, at which place W. H. Spencer was clerk, the vote of Samuel M. Baker, a well known and highly respectable citizen of Adair, appears to be recorded for W. C. Anderson and also for J. S. Chrisman for Congress, being a patent error upon the face of the books. The board entertained no doubt but it was a mistake, and that the vote was for Anderson, and not for Chrisman, but was erroneously by mistake recorded for both. But being of opinion, from the letter of the law, that we as a board had no power to correct the error, we counted the vote as it appeared upon the books, thus giving said vote to both Anderson and Chrisman in our official certificate of the vote made out and forwarded to the office at Frankfort August 10, 1859.

SINCLAIR WHEAT, *C. A. C. C.*

E. T. WILLIS, *P. J. A. C. C.*

Subscribed and sworn to by Sinclair Wheat and E. T. Willis before me this 10th day of August, 1859.

THOMAS E. BRAMLETTE,
Judge of sixth judicial district, Kentucky.

KENTUCKY, *Adair County, sct:*

William H. Spencer states, that he was clerk of the election held August 1, 1859, at the precinct at Columbia, Kentucky; that Samuel M. Baker cast his vote for W. C. Anderson for Congress, for D. R. Haggard for president of the board of internal improvements; that the columns for Chrisman and Haggard were arranged on the poll-books side by side, and he entered the vote of said Baker for Anderson as it was given, but, through mistake and inadvertance, marked it also in the column of Chrisman's vote, and failed to put it in Haggard's column, thus giving to Chrisman, through mistake and oversight, the vote which was cast for Anderson, and failed to enter it for Haggart, for whom it was cast. He states that he appeared before the board of examiners, and made oath to the above facts in substance; but they, thinking they had no power to correct the error, counted the vote for Chrisman, and included it in their official certificate forwarded to the board at Frankfort.

W. H. SPENCER.

AUGUST 10, 1859.

Sworn to by W. H. Spencer before me this 10th day of August, 1859.

THOMAS E. BRAMLETTE,
Judge of sixth judicial district, Kentucky.

STATE OF KENTUCKY, *County of Jefferson, sct:*

This day S. M. Baker, of Adair county, Kentucky, personally appeared before me, Samuel Matlack, a justice of the peace in and for said county of Jefferson, and made oath that he was in the town of Columbia, Kentucky, on the 1st day of August, 1859, and that he then and there voted at said election for Wm. C. Anderson as a representative to Congress from the said district, being the 4th congressional district of said State; and that if his said vote is recorded for *James H. Chrisman*, or any other person than the said Anderson, it was wrongfully recorded.

S. M. BAKER.

Subscribed and sworn to by S. M. Baker before me this 9th day of August, 1859.

SAMUEL MATLACK, *P. J. J. C.*

OFFICE OF SECRETARY OF STATE,
Frankfort, Kentucky, November 9, 1859.

I, Thoms B. Monroe, jr., secretary of state for the Commonwealth aforesaid, do hereby certify that the foregoing three pages contain a true copy of all papers and communications now on file in this office in regard to the vote of S. M. Baker, of Adair county.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, at Frankfort, this day and date as above.

THOMAS B. MONROE, jr.,
Secretary of State.

By JAMES W. TATE,
Assistant Secretary.

WILLIAM C. ANDERSON :

SIR: You are notified I will appear before the House of Representatives of the Congress of the United States, at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district, for the State of Kentucky, on the 1st day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people qualified to vote, to said office. Your right will be contested on the following grounds:

1. A majority of the votes polled at said election between us were for me, and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board, duly transmitted to the State board, the latter in their canvass and estimate of the votes of said district, in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been *seven* votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were by fraud or mistake of the officers of the election recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters, who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting, when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote *twice* for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased, and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit:

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth, and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted when his vote was cast.

William Gibson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as above last stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

William Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

A. L. McGee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodesmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to, and confined in the Kentucky penitentiary for larceny, by the judgment

of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not 21 years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not 21 years of age, and not a resident of the State, county, or precinct in which he voted for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not 21 years old when he voted.

Thomas Roy—Because he was not 21 years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not 21 years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stevenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not 21 years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named, and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not 21 years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not 21 years of age when he voted.

T. W. Lukins *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me, but by mistake of the clerk his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me:

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason, he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not 21 years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted for the time required by law.

Lee Yager—Because of the same reason last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergast, Nat Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books, and all the votes recorded at the Ireland precinct, in the county of Taylor, because the officers of said election, who conducted and held the same, nor either of them, were sworn according to law, nor was the said poll-book certified by the officers, as required by law.

I shall also object to and insist upon rejecting the poll-book, and all the votes given at the 7th district, in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, *to wit*:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above named subscriber before me, clerk of the Boyle county court, this 20th of September, 1859.

JAS. F. ZIMMERMAN, *C. B. C. C.*

JAMES S. CHRISMAN:

SIR: I have received a paper from you, purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I

shall object to the said notice, and ask for its quashal upon the following grounds :

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows : The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered, as required by the law entitled "election," Revised Statutes of the State of Kentucky, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes ; and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners for Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to reassemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time. They were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake to my prejudice of four votes was discovered on the poll-books of Boyle county, and an amended return stating this fact was transmitted by the county board of Boyle to the State board at Frankfort, and when this fact was made public in the district that such an amended return had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie, and by the laws of Kentucky in such cases the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland county, you shifted positions and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of state, and attorney general of Kentucky. I do not know and I do not admit that the mistake that

you complain of occurred. It may be true, according to the books as they *now* stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as having voted for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each.

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county, because he lived in the county of Russell.

2. R. M. Barnard—who voted at the same district, in the same county, because he had not been in the State, county, or precinct for the time required by law.

3. George Simpson—who voted in the same district, in the same county, for the same reasons as above.

4. Ben. F. Allan—who voted at the Neatsville district, in Adair county, because he was a resident of and lived in the White Oak district.

5. Milton Polly—who voted at White Oak precinct, in Adair county, because he lived in the Harmony district.

6. Elijah Leach—who voted at the same district, in the same county, because he was not a resident of said precinct for the time required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county, because he lived at the time at Haysville, in Marion county.

8. Wm. P. Royse—who voted at the same district, in the same county, for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in same county, because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the same district, in the same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in same county, because he was not twenty-one years of age.

12. James Jones—who voted at Neatsville district, in same county, for the same reason as above.

13. Jonathan McElroy—who voted at the Harmony district, in same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

14. George D. Redmon—who voted at the White Oak district, in same county, because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at White Oak district, in Adair county, because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district, in same county.

16. J. N. Vaughn—who voted at the same place, in same county, for the reason as above.

17. Samuel Vier—who voted at Columbia district, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and for the same reason.

19. Joshua Prewett—who voted at the White Oak district, in Adair county, because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county, because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville district, in same county, because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in same county, because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at the same place as above, and because of the same reason as above.

24. Morgan Simpson *alias* R. W. Simpson—who voted at Neatsville, in same county, because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbot, jr.—who voted at precinct No. 4, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Chas. Voss—who voted at the same district, in same county, for the same reason as last above stated.

4. William Crow—who voted at district No. 3, Boyle county, for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted in district No. 2, in Boyle county, because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county, because of the same reason as last above named.

11. Samuel Goode—who voted at district No. 1, of Boyle county, because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county, because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county, because of the same reasons as last above named.

14. William Staley—who voted at same place, because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neil—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place, because of same reason as last above named.

19. Henson Gee—who voted in district No. 1, in Boyle county, because he is an idiot.

1. James F. Alstott *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county, because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named, because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county, because of the same reason as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county because he was not twenty-one years of age.

6. J. H. Bryant—who voted at the Rolling Fork precinct, in Casey county, because he was indicted, sentenced, and convicted to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tates district, in Casey county, because he was not a resident of said district for the time required by law. He was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at Rolling Fork precinct, in Casey county, because he had before the election removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county, because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, of Clinton county, because he resided in district No. 4, of said county.

3. John Semans—who voted in district No. 3, of Clinton county, because he was under twenty-one years of age.

4. John Hughes—who voted at district No. 2, of Clinton county, because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, of same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, of Clinton county, because he lived at the time in district No. 3, of said county.

7. S. J. Vance—who voted in district No. 5, in Clinton county, because he lived at the time in district No. 4, of said county.

8. Joshua Birdwell—who voted in district No. 2, of Clinton county, because he lived in district No. 1, of said county.

9. George Wilkerson—who voted in district No. 2, of Clinton county, because he was a foreigner and not a citizen of the United States.

10. Jno. Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, of Clinton county, because he lived at the time in the Hays district, of said county.

12. James Hail—who voted in district No. 3, of Clinton county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, in Clinton county, because he is *non compos mentis*, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, in Clinton county, because he is a foreigner and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, in Cumberland county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for the same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons last above named, and because he lived at the time in the Elliott district of said county.

7. Jno. Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulson—who voted at Kettle Creek precinct, in Cumberland county, because of the same reasons as last above named.

9. Jacob Dalworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, in Cumberland county, because he resided at the time in Adair county.

11. John Cooksey—who voted at same place, because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, in Cumberland county, because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, in Cumberland county, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, in Cumberland county, because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, in same county, because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider, or Crider—who voted at the Elliott district, in Cumberland county, because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, in Lincoln county, because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at the same place as last above named, because he was at the time a resident of Walnut Flat district.

4. J. Waterhouse—who voted at same place as last above named, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, in Lincoln county, because of the same reasons as last above named.

6. Wiley Davis—who voted at the same place, because of the same reasons above last named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county, because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Lyton—who voted at Waynesburg, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at the same place, and because of the same reasons as last above named.

10. Zach. Cash—who voted at the same place, and because of the same reasons as last above named.

11. Levi Cotten—who voted at Turnersville precinct, in Lincoln county, because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county, because he was a foreigner and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Shenan or Shenadow—who voted at the same precinct as last above named, and because he was not 21 years of age.

14. Charles McWilliams—who voted at the same precinct as last

above named, because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at the Crab Orchard precinct, in Lincoln county, because he was not 21 years of age.

Jesse Hoythe—who voted at Waynesburg, in Lincoln county, because he had before the election removed to Rockcastle, and was not a resident of the precinct in which he voted.

1. L. E. Reed—who voted at Creelsborough district, in Russell county, because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at the same place, because of the same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county, because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown, Russell county, because he was not at the time a resident of said precinct.

6. Elijah Lowe—who voted at the Wolf Creek precinct, in Russell county, because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell, because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county, because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825 makes the house in which said Miller resides in Adair county; pages 40 and 41.

9. Allen Rytte—who voted at Creelsboro', in Russell county, because he was at the time a resident of Clinton county.

1. William Redding—who voted at Salem precinct, in Taylor county, because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.,—who voted at the same place, and for the same reasons (first) last above named.

3. James H. Ratliff—who voted at Little Pinchem district, in Taylor county, because of the same reasons last above named.

4. Frank Rhodes—who voted at the Newsville district, in Taylor county, because he was not twenty-one years of age.

5. Marian Peterson—who voted at the Campbellsville district, in Taylor county, because he was not a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county, because of the same reasons as last above named.

7. Henry Sheffner—who voted at same place as last above named, because he was not twenty-one years of age.

I deny that William Davis, and Jackson D. Richardson, and William R. Cumbess, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerk of election at the district in which Wiley Turner voted erased his name and vote without just reasons.

I deny that the judges without good reasons refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, George W. Crane, and Samuel Leffew, are recorded for me; but they voted for and are recorded for you. The vote of Nelson Pendergraft is recorded for me, and I state that he so voted, and his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you; I state that he voted for me at the polls, and was so recorded.

I deny that the poll-books of the Ireland precinct, in Taylor county, are improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was illegally and improperly certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood: Anderson, 49; Chrisman, 95. I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified according to law. At said precinct the vote stood Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book and votes thereon recorded, of the Whetstone precinct, in Cumberland county, because the same was not certified as required by law. I shall also object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Mansville district in Taylor, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books and the votes thereon recorded, of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law, and also because the said poll-books were in your possession, and inspected by you and your political friends before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed up and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday (by your democratic friends) next after the election, and before the comparison.

I shall also insist upon counting in my favor the following votes, which were cast for me, and were omitted to be recorded by the clerk:

Richard Pendergraft—who voted at district No. 1, in Boyle county.
Henson Pendergraft—who voted at the same place.

David Wells—who voted at the Burksville precinct, in Cumberland county.

Bethel, *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for W. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress. His name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall also insist upon striking from your poll and adding to my own the vote of J. T. Reynolds, who voted in district No. 3, in Boyle county. He voted for me, and his vote was, by mistake of the clerk, recorded for you.

James Jones—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

Cyrus Todd—who voted at the White Oak precinct, in Adair county; he voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall also insist upon striking from your poll the vote of Samuel M. Baker, who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Palston, Ben Austin, J. C. Williams, J. C. Cundiff, W. L. Baldock, W. J. Jones, Bird Russell, J. Abb-shear, all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

I shall also insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of the election :

Charles B. Kirkland—who offered to vote at precinct No. 1, Boyle county.

B. W. Moss—who offered to vote in precinct No. 2, in Boyle county.

Isaac F. Kees—who offered to vote at Greensburg, in Greene county.

I shall also insist on excluding the votes of the following named persons who were permitted to vote after the time fixed by law for closing the polls :

Frank Dulany—who voted at the Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shilton, *alias* Chilton—who voted at the Jamestown precinct, in Russell county.

I shall also insist upon adding to my poll the votes of the following named persons who voted for me, and were so recorded, and their votes stricken from the books by the judges of the election after said voters had left the polls, and were not recalled, and without their consent or approbation :

Archibald Lindville—who voted at district No. 4, in Clinton county.

Jesse Lindville—who voted in district No. 1, in Clinton county.

W. A. Ellis—who voted in district No. 4, same county.

I shall insist upon rejecting the 3d page of poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk, as required by law. On that page the vote stood: Chrisman, 18; Anderson, 9.

I shall also insist on striking from your poll the vote of W. R. Bowman, *alias* William Bowman, who voted in district No. 2, in Boyle county, because said Bowman gave no vote in the congressional race, and, by mistake of the clerk, his vote has been recorded for you.

I shall also insist upon striking from your poll the vote of George R. Vaught, who voted at the Somerset district, in Pulaski county, because the vote of said Vaught was recorded by the clerk for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics, when, by the laws of Kentucky, there should have been an equal division of the officers, if they could have been found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge, Greenup Meece, sheriff, and Willis J. Stogsdill, clerk, of said district, are all democrats, and agree with you in politics, and held the election at said district; and at the district the vote stood: Chrisman, 68; Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake—and I deny that such a mistake was made—I shall claim that the whole vote of Kettle Creek precinct be rejected, because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Huges, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was only 486, and so counted in the returns.

In the account sent to Frankfort from Adair county the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may and actually do make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you had been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason why you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if

Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it ; and, even if defeated in Congress, you would get the mileage and compensation anyhow.

4. Daniel Sullivan, sr.—who voted at the Greensburg district, Greene county, because he was not a resident of the State, county, and district the time required by law.

5. Seldon Renfro—who voted at district No. 5, in Greene county, because of the same reasons as last above named.

6. Thomas Elmore—who voted at district No. 4, in Greene county, because he was not 21 years of age.

1. John Ping—who voted at the Dallas district, in Pulaski county, because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county, because he was not twenty-one years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

4. David Sadler—who voted at the Harrison district, in Pulaski county, because he was not a resident for the time required by law ; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county, because he was not twenty-one years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, for felony in Whitley county, and served his time out therein, and was thereby by law disfranchised.

7. Eli Dykes, jr—who voted at the Somerset district, in Pulaski county, because he was a resident of the Bent district, Pulaski county, at the time of said election.

8. John L. Logan—who voted at the Harrison district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

9. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

10. Wesley Neal—who voted at the Buncombe district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

11. Norris Williams—who voted at the Bent district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

12. Washington Reynolds—who voted at the Bent district, in Pulaski county, because of the same reasons as last above stated.

13. James Parton—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

14. John Elder—who voted at the same district, for the same reasons above.

15. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county, because he was a foreigner, and not a citizen of the United States.

16. Thomas Jenkins—who voted at the same district, and for the same reasons as above.

17. Henderson Angell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

18. Patrick Doyle—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

19. Samuel Hansard—who voted at the same district, because there is no such voter living in said district.

20. John Davis—who voted at the Somerset district, Pulaski county, because he was not twenty-one years of age.

21. William Burton, son of Benjamin Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

22. Dunny Lustre, son of Jessie Lustre—who voted at the same district, and for the same reason.

23. J. J. Smiley—who voted at the Grundy district, Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

24. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not twenty-one years of age.

25. Joseph Keith—who voted at the same district, and for the same reason.

26. Daniel Chitwood—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

27. Jonathan Abbott—who voted at the same district, and for the same reason.

28. John Brown—who voted at the same district, and for the same reason.

29. Elijah Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county, because he was not twenty-one years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county, because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr—who voted in the same district last named, because he was not a resident of the State, county, or precinct for the time required by law.

1. George W. St. Johns—who voted at the district No. 1, Wayne county, because he was not a resident of the State, county, or precinct for the time required by law.

2. Williams Boston—who voted at district No. 1, of said county, because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place, because he has

not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district, because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Graer—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district, because he was not a resident of the county or district for the time required by law.

9. E. F. Wallen—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

11. Andrew Henny—who voted at the same district, because he is not twenty-one years of age.

12. John Chriswell—who voted at the same district, because he was not a resident of the county or district for the time required by law; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district, because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district, because he is not twenty-one years of age.

15. Charles Orman—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

16. Geo. Smith—who voted at the same district, because he is not twenty-one years of age.

17. Wm. Terry—who voted at the same district, because he was not a resident; in fact, he was a resident of Russell county at the time of the election.

18. Geo. Arthur—who voted at the same district, because after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs district, Wayne county, because there is no such a voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county, because he was not resident of the county, State, or district for the time required by law; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory; and, further, because he is not entitled to vote in Kentucky, or anywhere else, he being under twenty-one years of age.

21. Thos. Rutherford—who voted at the same district, because he is not twenty-one years of age.

22. Marion Stevenson—who voted at the same district, because he is not a resident of the county or district for the time required by law.

23. Thos. Mus—who voted at the same district, for the reason last above named.

24. Wm. Scantland—who voted at the same district, because he is not twenty-one years of age.

25. Samuel Pennington—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

26. Jno. Fredricks—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

27. James Daws—who voted at the same district, because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district, because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchison—who voted at the same district, because he is not twenty-one years of age.

31. Wm. Weaver—who voted at the same district, because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you, when he first cast his vote for other democratic candidates for the various offices of the State, &c.

32. Thomas Simpson—who voted in Mill Springs district, because he is under twenty-one years of age.

33. George Payn—who voted at the same district, because he is an idiot.

34. F. M. Marcum—who voted at the same district, because after he had recorded his vote for me, and had left the polls, his name was erased from the poll-book, so far as his having voted for me.

35. William Foster, jr.—who voted in Mill Springs district, because he is under age, and not a resident of the district, as required by law.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county, because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district, because he was not 21 years of age.

38. Wm. Rule—who voted at the same district, for the same reason last stated.

39. Shelby Denny—who voted at the same district, for the same reason last stated.

40. Wm. Carter—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district, because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

43. Wm. Sloan, jr.—who voted at the same place, because of the reasons above named.

44. Berry Shoat—who voted at the same place, because of the reasons above named.

45. Andrew Hail—who voted at the South Fork district, in Wayne county, because he was not 21 years of age.

46. Granville Spradlen—who voted at the same place, because he was not 21 years of age.

47. William Breuster—who voted at the same place, because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place. He only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbssville, because he was not a resident for the time required by law.

50. William King—who voted at the same place, because he was not 21 years of age.

51. James Davis—who voted at the same place, and because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place, because of reasons last above named.

53. Hiram Troxdall—who voted at the same place, because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county, because he was not 21 years of age.

55. Granville Shoat—who voted at the same place, because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county, because he was not a resident for the time required by law.

57. Isaac Mason—who voted at the same place, because he is not a legal voter.

58. Stephen Loveall—who voted at the same place, because he is under 21 years of age.

59. Gideon Loveall—who voted at the same place, because he is not a legal voter.

60. Christopher Jones—who voted at the same place, because he is not 21 years of age.

61. John Henry—who voted at Mullenton, because he was not a resident of the county, State, or district the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice; if so, I hereby deny them; but I do admit that Abraham Mounce, whose vote you challenged, as I suppose, was not a legal voter; for, if you will examine the poll-books, you will find that the said Mounce voted for you, and is so recorded and counted.

You have also challenged the vote of James Low. The said Jimmy voted for you, and is so recorded, and the same is illegal; and I therefore admit that, as he voted for you, his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested ; but I expect to prove, and will prove, before said Congress that I am honestly, fairly, and legally elected to that position ; and I will state, that in the discharge of the high duty as the representative from the fourth congressional district of Kentucky, I will endeavor to so act as to meet with the confidence and respect of my constituents. The war-worn veteran ; the children of the country ; the widow ; the orphan ; shall, as far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

And I will, on the 31st day of October, 1859, at the court-house in Liberty, Casey county, before Winston Bowman, presiding judge of the Casey county court, take the depositions of Joel Sweeney, Asa Bryant, G. W. Bowman, Thomas Watson, R. H. Wilkenson, C. F. Campbell, Dr. W. J. McGowan, Henry Davenport, George Day, James Day, John Earls, T. R. Tucker, James Allstott, George Moore, James Brown, Robert Peyton, H. W. Thomas, Frank Woolford, McDowell Fogle, Mrs. Harrison Patterson, Perry Humphrey, John Durham, F. L. Thomas, Rebecca Lanehart, William Smith, Anderson Rigney, John Pelly, Winston Bowman, C. R. Coffey, W. C. Myers, John Denham, P. Jenkins, Charles Tate, D. Tucker—all of which witnesses now reside in the county of Casey, and State of Kentucky.

W. C. ANDERSON.

STATE OF KENTUCKY, *Casey County, ss:*

Winston Bowman, presiding judge of the Casey county court, affiant, states that on the 31st October, 1859, depositions were taken before him in the contested election between James S. Chrisman and William C. Anderson, from the fourth congressional district, which depositions so taken have been enclosed to the clerk ; and that he now encloses this notice : Notice of James S. Chrisman to William C. Anderson and William C. Anderson to said James S. Chrisman, to be filed with the said depositions.

WINSTON BOWMAN,
Presiding Justice.

Sworn to before me this 23d day of November, 1859.

JOEL SWEENEY, *E. S. C. C.*

Depositions taken at the court-house in Liberty, Casey county, Kentucky, on the 31st day of October, 1859, before Winston Bowman, presiding judge of the Casey county court, to be read in the matter of contest pending before the House of Representatives of the United States between James S. Chrisman as contestant, and W. C. Anderson as contestee :

F. R. Tucker, being sworn, says : I voted at the Casey Creek precinct, in Casey county, at the August election, 1859, for W. C. Anderson ; I was born and raised in the State ; I left the State the 27th of March, 1858 ; I went to Missouri to look at the country, and then to come back home ; I was gone to Missouri ten months, but only left to be gone six weeks ; I regarded Kentucky as my home all the time, and if I had not I would not have come back ; I regarded my home in the Casey Creek precinct, where I voted ; I have never had any other home except in that precinct ; I was over twenty-one years of age at the election ; my father resides in that precinct, and also my grandfather, and I regarded my grandfather's as my home at the election.

On cross-examination by Chrisman, says : I was not engaged at work in Missouri more than twenty days, not being able to work ; I was not visiting anybody out there, just went to look at the country ; I took the chills out there, which was the reason I staid there ; I had two attacks of the chills, and had them so bad I could not get home ; I was in Boone county ; I started home in January, the 1st, and reached home the succeeding Friday ; I did not intend to remain there.

F. R. TUCKER.

Also the deposition of Newman Tucker, taken at the same time and place, and for the same purpose :

By Mr. Anderson :

I am the father of F. R. Tucker, who has just given his deposition ; the best of my recollection is, that he was twenty-three years old the 12th of October instant ; he was born and raised in Kentucky, in the Casey Creek district, where he voted, and he has never lived at any other place, and never was from me except when he started to Missouri ; I then understood that he was going to Missouri to stay six weeks and then return home.

NEWMAN TUCKER.

Also the deposition of Anderson Rigney, taken at the same time and place and for the same purpose :

By Mr. Anderson :

I was one of the judges of the election at the South Fork or Titus district, in Casey county, at the last election ; I remember that Thomas Simpkins voted there ; his age was doubted, and he was sworn, and he swore he was twenty-one years of age ; I asked him the question myself ; a man by the name of Blevins, which I suppose is Martin—the poll-book will show—voted at that precinct ; there was a contention as to what district he lived in ; he had moved from where he formerly lived, but was permitted to vote.

By Mr. Chrisman :

Blevins claimed to live in that district ; some claimed that he lived on one side of the line of the district, and some on the other ; I do not know myself where he lived.

ANDERSON RIGNEY.

Also the deposition of James M. Swiggett, taken at the same time and place, and for the same purpose :

I am sometimes called Richard Swiggett ; it is a nick-name ; I know James F. Alsott ; he is commonly called Fletcher Allstott ; I suppose he voted at the Rolling Fork district, in Casey county ; I examined the family Bible of his father to ascertain his age ; according to the Bible he was born on the 17th day of September, 1839 ; his age is there so recorded.

By Mr. Chrisman :

The Bible is in the possession of his father ; his father lives about nine or ten miles from Liberty ; had no conversation with his father in reference to his age ; I know nothing of his age of my own knowledge ; his father is able to come to Liberty ; I am not related to the family.

By Mr. Anderson :

The Bible also contains the record of the age of the balance of the family, I suppose.

JAMES M. SWIGGETT.

Also the deposition of James Brown, taken at the same time and place, and for the same purpose :

By Mr. Anderson :

I am father of G. M. Brown, who voted for Anderson at Liberty, Casey county, at the August election of 1859 ; he will be twenty-three years of age on the 8th day of November, 1859 ; he was born and raised in this county, and has always lived here and in the precinct in which he voted since he was twenty-one ; he has been in the district for fourteen years ; I know J. F. Alsott *alias* Fletcher Alstott ; he and one of my boys, who was not old enough to vote, had a conversation at my table a few Sundays before the election—not more than two or three ; Alsott asked my son if he was old enough to vote ; my son said no, and then asked Alstott whether he was old enough, and Alsott said no, he was not ; he said he lacked a few days of being old enough.

JAMES BROWN.

Also the deposition of T. W. Wash, taken at the same time and place, and for the same purpose :

By Mr. Anderson :

I was clerk of the election at the Rolling Fork district, in Casey county, at the August election of 1859 ; J. F. Alstott, *alias* Fletcher Alsott, voted at that precinct for Chrisman. Michael McCarty, who was said to be an Irishman, and I suppose is, also voted there for Chrisman.

John Henry Bryant also voted there, and voted for Chrisman.

McCarty, who voted there, said he had naturalization papers, but did not show them. None of the officers of the election claimed that

they had ever seen or knew he had such papers. He was admitted a vote solely upon the ground that he said he had such papers.

T. W. WASH.

Also the deposition of John Earle, taken at the same time and place, and for same purpose:

By Anderson:

I know Michael McCarty, and he told me he was a foreigner.

JOHN EARLE.

Also the deposition of Henry Davenport, taken at the same time and place, and for the same purpose:

By Anderson:

I know Martin B. Blevins. I don't know that I am particularly acquainted with the line between the Jenkins and Tate districts, in Casey county. I have just heard the report of the commissioner to lay off the districts read. I know where said Blevins lived at the time of the election. I suppose he lived on the town lot in Menterville, and of the line including the town in the Jenkins district. He lived in the Jenkins district. Moorfield family lived in the house where Blevins lived, but nobody had lived there for some time. Menterville is included in the Jenkins district, according to the report of the commissioners to divide the county. I refer to the report for the boundaries. Jenkins district is No. 2, and Tate No. 3.

By Chrisman. Do you know of an illegal vote cast for Anderson in the election of last August, either by non-residence in the district or otherwise?

Answer. I don't know of but one, and I don't know that that is particularly.

By same. Whose vote is that, and for what reason do you suppose it to be bad?

Answer. C. F. Campbell voted in the Jenkins district, and according to the reading of the lines above referred to his place of voting would be at Tate's precinct. He voted for Anderson.

By same. How far does Campbell live from Blevins'?

Answer. Right close together.

HENRY DAVENPORT.

Also the deposition of Winston Bowman, taken at the same time and place, and for same purpose:

By Anderson:

I am by law one of the county board for examining the returns of elections for Casey county. The poll-book of the Casey Creek precinct, in Casey county, was returned to the clerk's office with no certificate upon it, as will appear by the book itself. We counted the vote at that precinct in the returns sent to Frankfort. I made a copy of the poll-book, marked A, a part of my deposition.

By Chrisman. Were any other of the poll-books of Casey county returned *not certified*?

Answer. I think the Tate's precinct poll-book was not certified exactly right. I refer to an office copy of it, and all the other poll-books of the county, to show for themselves.

By Anderson :

I know a man by the name of Isaac Roatan, who voted at Liberty for Chrisman. I saw him just before the election, and asked him where he lived. He said in Indiana ; that he was employed in the boat business, running the river. He said he was then staying at the Widow Nesses ; that he did not intend to stay long, but to go back to Indiana ; that he left very soon after the election, and he does not know what became of him. I have been county judge in Casey county for some years, and my acquaintance in the county is pretty general. I know of no regular citizen of that name, and all I know about Roatan is what he told me himself.

By Chrisman ;

How long he resided in the district in which he voted, or how long in the county, I don't know ; and whether an illegal voter or not I don't know. I know nothing except what he stated himself.

By Anderson :

He said he came from Jeffersonville, Indiana, and said he lived there, and was going back. He said he only came out to see about his health, which was delicate. He said that was his place of residence. I understood he said that was his home *then*, and he was going back on the river. I don't know when he left Indiana.

By Chrisman. Do you know of an illegal vote cast for Mr. Anderson in the August election last ; and if so, whose vote was it ?

Answer. I know of one. It was Thomas Simpkins. From what I have been told, he was not 21 years of age. I am his guardian. He was born in 1839, and will be 21 the 3d day of next June, (1860.)

By same. After he swore at the election that he was twenty-one years of age, I settled with him and paid him up, and got his receipt for the money I paid him. There is a lawsuit pending here now.

By Chrisman. In what precinct did he vote ?

Answer. I was not present when he voted ; I understood that he voted in the Tate's precinct.

By same. Was not the settlement made with him only because he swore he was twenty-one, not because you thought or believed he was so in fact ?

Answer. That was the reason why I paid him ; my understanding is, that he is now in Virginia.

By same. Do you make the statement that he is not twenty-one merely from your understanding, or from your personal knowledge ?

Answer. I make it from the record of his age ; I make it from the family Bible ; I saw it about three weeks ago ; it is now in Tennessee.

By same. Do you know of any illegal votes cast for Chrisman at the election in August, 1859 ?

Answer. None except what I have seen challenged, and I only know that from hearsay.

. WINSTON BOWMAN.

Also the deposition of Joel Sweeney, taken at the same time and place, and for the same purpose:

By Anderson :

I am one of the board of examiners for Casey county ; I am clerk of the county court ; I aided in making the comparison of

the polls, and sending the returns to Frankfort; the poll-book at Casey court, as appeared from the book not certified, was counted against Anderson; there was no certificate upon the book except what appears there, and I refer to it to show what it does contain. He says, also, that was the only poll-book returned uncertified.

By same. I am clerk of the circuit court; I know John Henry Bryant; he was tried in the Casey circuit court for larceny, charged with stealing a watch or watches; he was found guilty, and sentenced to confinement in the jail or penitentiary of Kentucky for two years and six months.

By Chrisman. Did not the governor of Kentucky remit a portion of his time, and did not he return before the expiration of the time for which he was convicted?

Answer. I can't say that he did.

By same. Do you know of an illegal vote cast for Mr. Anderson at the August election, 1859; and if so, where was it?

Answer. Not of my own knowledge; nor do I know of any cast for Chrisman.

JOEL SWEENEY.

[The attorney for Chrisman excepts to the depositions of T. W. Wash and James Swiggett, because—

1. No notice of the taking of the same was given to James S. Chrisman.

2. Because, if so given, it was not for the length of time required by law.

M. T. CHRISMAN,
For J. S. CHRISMAN.]

[W. C. Anderson excepts to all questions and answers given to such questions propounded by Chrisman, when he asks questions to any witness if they know of any illegal votes cast for Anderson.

He states that the notice to take the depositions of Wash and Swiggett was given to the attorney and agent of Chrisman, as will appear by the return of the officer.

W. C. ANDERSON.]

STATE OF KENTUCKY, *Casey County*, ss:

I, Winston Bowman, presiding judge for the county court of Casey county, within the aforesaid State, do hereby certify that the foregoing depositions of F. R. Tucker, Newman Tucker, Anderson Rigney, James M. Swiggett, James Brown, Henry Davenport, Thos. W. Wash, John Earles, Winston Bowman, and Joel Sweeney, were taken before me, read to and subscribed by them in my presence at the time and place and in the contest mentioned in the caption, the said Tuckers, Rigney, Swiggett, Brown, Davenport, Wash, Earles, Bowman, and Sweeney, having been first sworn by me and master commissioner that the evidence that they should give in the contest should be the truth, the whole truth, and nothing but the truth, and their statements reduced to writing by William C. Anderson and M. T.

Chrisman, by counsel, in my presence, and in the presence of the said deponents. William C. Anderson, and M. T. Chrisman, contestant's agent, was present at the examination.

Given under my hand this 31st day of October, 1859.

WINSTON BOWMAN, *P. J. C. C.*

M. T. Chrisman, agent and attorney for James S. Chrisman:

Take notice that I will, before Winston Bowman, presiding judge of Casey county court, in Liberty, at the court-house, on the 31st of October, in addition to the witnesses given in the list to James S. Chrisman, also take the depositions of T. W. Wash, James Swiggett, L. B. Harrison, W. Bowman, Josiah Campbell, S. G. Pelly, John Pelly, and Hugh D. Sanchol, who reside in Casey county, and Richard Swiggett and J. S. Pelly, also in Casey county, to be used in the matter of contest between James S. Chrisman and myself pending in the House of Representatives of the United States.

W. C. ANDERSON.

Executed on M. T. Chrisman, agent and attorney for James S. Chrisman, this 31st day of October, 1859.

ASA BRYANT, *C. C. C.*

District No. 2, bounded as follows, to wit: Beginning at John Sims's, on the Lincoln county line, and corner of district No. 1; thence with said county line to the Pulaski county line; thence with said county line to Miltonville; thence to James Davis's; thence to Henry Davenport's; thence to Thomas Davenport's, jr.; thence to Isaiah Henson's; thence to Isaac Merrit's; thence to William B. Cundiff's; thence to James Shackelford's, a corner of district No. 1; thence with the line of said district to the Lincoln county line, at John Sims's, the beginning, including Enoch Burdell and all persons and places called for on said boundary except William B. Cundiff and Shackelford & Sims.

District No. 3, bounded as follows, to wit: Beginning at Miltonville, on the Pulaski county line; thence with said county to the Russell county line; thence with the Russell county line to the Adair county line; thence with the said county line to Mumford Pelly's, on Green river; thence up said river to William Sand's, a corner of district No. 1; thence with the line of said district to James Shackelford's, a corner of districts Nos. 1 and 2; thence with the line of district No. 2 to Miltonville, the beginning, including W. B. Cundiff and all persons called for on said boundary, except those called for on the boundaries of districts Nos. 1 and 2.

STATE OF KENTUCKY, *Casey County, ss:*

I hereby certify that the foregoing is a true and full transcript of election precincts Nos. 2 and 3 of the aforesaid county, within the State aforesaid.

Given under my hand this 31st day of October, 1859.

JOEL SWEENEY, *Clerk C. C. C.*

The Commonwealth of Kentucky to the sheriff or any constable of Casey county, greeting :

You are commanded to summon Joel Sweeney, Asa Bryant, George W. Bowman, Thomas Watson, R. H. Wilkerson, C. F. Campbell, Dr. W. J. Megowan, Henry Davenport, John Earls, T. R. Tucker, James Allstott, George Moore, James Brown, Robert Peyton, H. W. Thomas, F. W. Wolford, McD. Fogle, Mrs. Harrison Patterson, L. B. Harrison, Josiah Campbell, Perry Humphrey, John Durham, F. L. Thomas, M. Rhyne, Rebecca Lanehart, S. G. Pelly, William Smith, Anderson Rigney, John Pelly, C. R. Coffey, W. C. Myers, Charles Tate, W. Tucker, and Richard Swiggett, to appear before me at the court-house, in Liberty, on the 31st day of October, 1859, to testify in the matter of the contested election between James S. Chrisman and William C. Anderson, the former of whom is contestant ; and this they shall in nowise omit, under the penalty of the law.

Given under my hand, as presiding judge of the Casey county court, this 17th day of October, 1859.

WINSTON BOWMAN, *P. J. C. C.*

Executed on R. H. Wilkerson, Winston Bowman, McDowell Fogle, C. R. Coffey, Joel Sweeney, H. W. Thomas, F. L. Wolford, John Earls, C. P. Tate, R. Peyton, W. C. Myers, James Brown, Thomas Watson, Anderson Rigney, Dr. William J. Megowan, Henry Davenport, Harrison Patterson, John Durham, James Allstott, George W. Moore, R. Tucker, John Pelly, Hezekiah Lanehart, Norman Tucker, L. B. Harrison, Josiah Campbell, James Swiggett, jr., this 31st day of October, 1859.

ASA BRYANT, *C. C. C.*

KENTUCKY CONTESTED ELECTION.

Names of voters.	Test:														Test:								
	J. F. Bell, governor.	Alfred Allen, lieutenant gov-ernor.	Jas. Harlan, attorney general.	Thomas S. Page, auditor.	Daugherty White, treasurer.	John B. Herndon, register.	Wm. F. Evans, superintend-ent public instruction.	D. R. Haggard, president board internal improvement.	Wm. C. Anderson, Congress.	T. T. Alexander, senate.	McDowell Fogle, representa-tive.	B. Magoffin, governor.	Linn Boyd, lieutenant gov-ernor.	A. J. James, attorney general.	Grant Green, auditor.	J. H. Garrard, treasurer.	Thomas J. Frazier, register.	R. Richardson, superintend-ent public instruction.	Jas. P. Bates, president board internal improvement.	James S. Chrisman, Congress.	J. Owens, senate.	Clisley Jones, representative.	
Henry Witherington.....
Benedick Raley.....
Jacob Myers.....
Bazzel Witherington.....
James M. Phillips.....
R. F. Wayne.....
Joel F. Mills.....
Alpha Jacobs.....
Richard Witherington.....
Lee Harrison.....
George W. Atwood.....
George W. Lyons.....
John Tucker.....
Tandy Coppage.....
J. W. Witherington.....
Bennet Marple.....
Blufor Malone.....
Raymon Clements, jr.....
James Swiggert.....
R. K. Sapp.....
Milton Earles.....
James Witherington.....
Alfred Goode.....
Wm. C. Myers.....
George W. Earles.....
Total vote.....	50	40	40	40	38	38	38	38	49	40	45	94	92	93	90	90	90	90	89	95	59	94

CASEY COUNTY COURT, June term, 1859:
Ordered, That John Witherington and Wm. O. Myers be, and they are, appointed judges of election for precinct No. 4; Jas. Witherington, sheriff; and Geo. W. Earles, clerk of same.
Test: JOEL SWEENEY, Clerk Casey County Court.

STATE OF KENTUCKY, *Casey County*, ss :

I, Joel Sweeney, clerk of the county court for the county aforesaid, do certify that the preceding five pages of writing is a true and full and complete copy of the poll-book for election precinct No. 4 of said county ; the vote given to William C. Anderson and James S. Chrisman, candidates for Congress in the fourth congressional district in the aforesaid State at the August election, 1859 ; also as well as those given for other candidates ; taken from the original on file in my office, together with a copy of the order of the Casey county court appointing the officers of election.

Given under my hand this 13th day of October, 1859.

JOEL SWEENEY,
Clerk of Casey County Court.

Dr. O. Portman states that he is acquainted with Thomas Lumphries, who voted at the Tate district in 1859, at the August election ; that he lived in the neighborhood where Thomas Lumphries was born ; affiant had a son born in January, 1838, and Lumphries in June 3, 1838 ; that he was, at the time he voted, over twenty-one years of age ; that, in addition to these facts, the father of Lumphries told witness he was of that age ; I know also from my books that he is of that age ; I am a practicing physician ; that Lumphries came to affiant to know his age, and affiant told him he was twenty-one years of age.

O. PORTMAN.

OCTOBER 31, 1859.

WILLIAM C. ANDERSON :

SIR: You are notified I will appear before the House of Representatives of the Congress of the United States, at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district, for the State of Kentucky, on the 1st day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people qualified to vote, to said office. Your right will be contested on the following grounds :

1. A majority of the votes polled at said election between us were for me, and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board, duly transmitted to the State board, the latter in their canvass and estimate of the votes of said district, in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been *seven* votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were by fraud or mistake of the officers of the election recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters, who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting, when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote *twice* for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased, and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit:

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth, and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted when his vote was cast.

William Gibson—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as above last stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

William Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

A. L. McGee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodesmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to, and confined in the Kentucky penitentiary for larceny, by the judgment

of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not 21 years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not 21 years of age, and not a resident of the State, county, or precinct in which he voted for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not 21 years old when he voted.

Thomas Roy—Because he was not 21 years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not 21 years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stevenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not 21 years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named, and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not 21 years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not 21 years of age when he voted.

T. W. Lukins *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me, but by mistake of the clerk his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me:

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason, he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not 21 years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted for the time required by law.

Lee Yager—Because of the same reason last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergaft, Nat Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books, and all the votes recorded at the Ireland precinct, in the county of Taylor, because the officers of said election, who conducted and held the same, nor either of them, were sworn according to law, nor was the said poll-book certified by the officers, as required by law.

I shall also object to and insist upon rejecting the poll-book, and all the votes given at the 7th district, in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, *to wit*:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above named subscriber before me, clerk of the Boyle county court, this 20th of September, 1859.

JAS. F. ZIMMERMAN, *C. B. C. C.*

JAMES S. CHRISMAN:

SIR: I have received a paper from you, purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I

shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered, as required by the law entitled "election," Revised Statutes of the State of Kentucky, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes; and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners for Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to reassemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time. They were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake to my prejudice of four votes was discovered on the poll-books of Boyle county, and an amended return stating this fact was transmitted by the county board of Boyle to the State board at Frankfort, and when this fact was made public in the district that such an amended return had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie, and by the laws of Kentucky in such cases the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland county, you shifted positions and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of state, and attorney general of Kentucky. I do not know and I do not admit that the mistake that

you complain of occurred. It may be true, according to the books as they *now* stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as having voted for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each.

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county, because he lived in the county of Russell.

2. R. M. Barnard—who voted at the same district, in the same county, because he had not been in the State, county, or precinct for the time required by law.

3. George Simpson—who voted in the same district, in the same county, for the same reasons as above.

4. Ben. F. Allan—who voted at the Neatsville district, in Adair county, because he was a resident of and lived in the White Oak district.

5. Milton Polly—who voted at White Oak precinct, in Adair county, because he lived in the Harmony district.

6. Elijah Leach—who voted at the same district, in the same county, because he was not a resident of said precinct for the time required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county, because he lived at the time at Haysville, in Marion county.

8. Wm. P. Royse—who voted at the same district, in the same county, for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in same county, because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the same district, in the same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in same county, because he was not twenty-one years of age.

12. James Jones—who voted at Neatsville district, in same county, for the same reason as above.

13. Jonathan McElroy—who voted at the Harmony district, in same county, because he was not a resident of the county or precinct in which he voted for the time required by law.

14. George D. Redmon—who voted at the White Oak district, in same county, because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at White Oak district, in Adair county, because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district, in same county.

16. J. N. Vaughn—who voted at the same place, in same county, for the reason as above.

17. Samuel Vier—who voted at Columbia district, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and for the same reason.

19. Joshua Prewett—who voted at the White Oak district, in Adair county, because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county, because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville district, in same county, because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in same county, because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at the same place as above, and because of the same reason as above.

24. Morgan Simpson *alias* R. W. Simpson—who voted at Neatsville, in same county, because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbot, jr.—who voted at precinct No. 4, in same county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Chas. Voss—who voted at the same district, in same county, for the same reason as last above stated.

4. William Crow—who voted at district No. 3, Boyle county, for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county, because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted in district No. 2, in Boyle county, because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county, because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county, because of the same reason as last above named.

11. Samuel Goode—who voted at district No. 1, of Boyle county, because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county, because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county, because of the same reasons as last above named.

14. William Staley—who voted at same place, because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neil—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place, because of same reason as last above named.

19. Henson Gee—who voted in district No. 1, in Boyle county, because he is an idiot.

1. James F. Alstott *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county, because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named, because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county, because of the same reason as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county because he was not twenty-one years of age.

6. J. H. Bryant—who voted at the Rolling Fork precinct, in Casey county, because he was indicted, sentenced, and convicted to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tates district, in Casey county, because he was not a resident of said district for the time required by law. He was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at Rolling Fork precinct, in Casey county, because he had before the election removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county, because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, of Clinton county, because he resided in district No. 4, of said county.

3. John Semans—who voted in district No. 3, of Clinton county, because he was under twenty-one years of age.

4. John Hughes—who voted at district No. 2, of Clinton county, because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, of same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, of Clinton county, because he lived at the time in district No. 3, of said county.

7. S. J. Vance—who voted in district No. 5, in Clinton county, because he lived at the time in district No. 4, of said county.

8. Joshua Birdwell—who voted in district No. 2, of Clinton county, because he lived in district No. 1, of said county.

9. George Wilkerson—who voted in district No. 2, of Clinton county, because he was a foreigner and not a citizen of the United States.

10. Jno. Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, of Clinton county, because he lived at the time in the Hays district, of said county.

12. James Hail—who voted in district No. 3, of Clinton county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, in Clinton county, because he is *non compos mentis*, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, in Clinton county, because he is a foreigner and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, in Cumberland county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for the same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons last above named, and because he lived at the time in the Elliott district of said county.

7. Jno. Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulson—who voted at Kettle Creek precinct, in Cumberland county, because of the same reasons as last above named.

9. Jacob Dalworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, in Cumberland county, because he resided at the time in Adair county.

11. John Cooksey—who voted at same place, because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, in Cumberland county, because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, in Cumberland county, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, in Cumberland county, because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, in same county, because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider, or Crider—who voted at the Elliott district, in Cumberland county, because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, in Lincoln county, because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at the same place as last above named, because he was at the time a resident of Walnut Flat district.

4. J. Waterhouse—who voted at same place as last above named, because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, in Lincoln county, because of the same reasons as last above named.

6. Wiley Davis—who voted at the same place, because of the same reasons above last named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county, because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Lyton—who voted at Waynesburg, in Lincoln county, because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at the same place, and because of the same reasons as last above named.

10. Zach. Cash—who voted at the same place, and because of the same reasons as last above named.

11. Levi Cotten—who voted at Turnersville precinct, in Lincoln county, because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county, because he was a foreigner and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Shenan or Shenandow—who voted at the same precinct as last above named, and because he was not 21 years of age.

14. Charles McWilliams—who voted at the same precinct as last

above named, because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at the Crab Orchard precinct, in Lincoln county, because he was not 21 years of age.

Jesse Hoythe—who voted at Waynesburg, in Lincoln county, because he had before the election removed to Rockcastle, and was not a resident of the precinct in which he voted.

1. L. E. Reed—who voted at Creelsborough district, in Russell county, because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at the same place, because of the same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county, because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown, Russell county, because he was not at the time a resident of said precinct.

6. Elijah Lowe—who voted at the Wolf Creek precinct, in Russell county, because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell, because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county, because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825 makes the house in which said Miller resides in Adair county; pages 40 and 41.

9. Allen Rytte—who voted at Creelsboro', in Russell county, because he was at the time a resident of Clinton county.

1. William Redding—who voted at Salem precinct, in Taylor county, because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.,—who voted at the same place, and for the same reasons (first) last above named.

3. James H. Ratliff—who voted at Little Pinchem district, in Taylor county, because of the same reasons last above named.

4. Frank Rhodes—who voted at the Newsville district, in Taylor county, because he was not twenty-one years of age.

5. Marian Peterson—who voted at the Campbellsville district, in Taylor county, because he was not a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county, because of the same reasons as last above named.

7. Henry Sheffner—who voted at same place as last above named, because he was not twenty-one years of age.

I deny that William Davis, and Jackson D. Richardson, and William R. Cumbess, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerk of election at the district in which Wiley Turner voted erased his name and vote without just reasons.

I deny that the judges without good reasons refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, George W. Crane, and Samuel Leffew, are recorded for me; but they voted for and are recorded for you. The vote of Nelson Pendergraft is recorded for me, and I state that he so voted, and his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you; I state that he voted for me at the polls, and was so recorded.

I deny that the poll-books of the Ireland precinct, in Taylor county, are improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was illegally and improperly certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood: Anderson, 49; Chrisman, 95. I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified according to law. At said precinct the vote stood Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book and votes thereon recorded, of the Whetstone precinct, in Cumberland county, because the same was not certified as required by law. I shall also object to, and insist upon rejecting, the poll-book and the votes thereon recorded, of the Mansville district in Taylor, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books and the votes thereon recorded, of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law, and also because the said poll-books were in your possession, and inspected by you and your political friends before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed up and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday (by your democratic friends) next after the election, and before the comparison.

I shall also insist upon counting in my favor the following votes, which were cast for me, and were omitted to be recorded by the clerk:

Richard Pendergraft—who voted at district No. 1, in Boyle county.

Henson Pendergraft—who voted at the same place.

David Wells—who voted at the Burksville precinct, in Cumberland county.

Bethel, *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for W. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress. His name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall also insist upon striking from your poll and adding to my own the vote of J. T. Reynolds, who voted in district No. 3, in Boyle county. He voted for me, and his vote was, by mistake of the clerk, recorded for you.

James Jones—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

Cyrus Todd—who voted at the White Oak precinct, in Adair county; he voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall also insist upon striking from your poll the vote of Samuel M. Baker, who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Palston, Ben Austin, J. C. Williams, J. C. Cundiff, W. L. Baldock, W. J. Jones, Bird Russell, J. Abb-shear, all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

I shall also insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of the election :

Charles B. Kirkland—who offered to vote at precinct No. 1, Boyle county.

B. W. Moss—who offered to vote in precinct No. 2, in Boyle county.

Isaac F. Kees—who offered to vote at Greensburg, in Greene county.

I shall also insist on excluding the votes of the following named persons who were permitted to vote after the time fixed by law for closing the polls :

Frank Dulany—who voted at the Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shilton, *alias* Chilton—who voted at the Jamestown precinct, in Russell county.

I shall also insist upon adding to my poll the votes of the following named persons who voted for me, and were so recorded, and their votes stricken from the books by the judges of the election after said voters had left the polls, and were not recalled, and without their consent or approbation :

Archibald Lindville—who voted at district No. 4, in Clinton county.

Jesse Lindville—who voted in district No. 1, in Clinton county.

W. A. Ellis—who voted in district No. 4, same county.

I shall insist upon rejecting the 3d page of poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk, as required by law. On that page the vote stood: Chrisman, 18; Anderson, 9.

I shall also insist on striking from your poll the vote of W. R. Bowman, *alias* William Bowman, who voted in district No. 2, in Boyle county, because said Bowman gave no vote in the congressional race, and, by mistake of the clerk, his vote has been recorded for you.

I shall also insist upon striking from your poll the vote of George R. Vaught, who voted at the Somerset district, in Pulaski county, because the vote of said Vaught was recorded by the clerk for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics, when, by the laws of Kentucky, there should have been an equal division of the officers, if they could have been found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge, Greenup Meece, sheriff, and Willis J. Stogsdill, clerk, of said district, are all democrats, and agree with you in politics, and held the election at said district; and at the district the vote stood: Chrisman, 68; Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake—and I deny that such a mistake was made—I shall claim that the whole vote of Kettle Creek precinct be rejected, because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Huges, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was only 486, and so counted in the returns.

In the account sent to Frankfort from Adair county the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may and actually do make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you had been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason why you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if

Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it ; and, even if defeated in Congress, you would get the mileage and compensation anyhow.

4. Daniel Sullivan, sr.—who voted at the Greensburg district, Greene county, because he was not a resident of the State, county, and district the time required by law.

5. Seldon Renfro—who voted at district No. 5, in Greene county, because of the same reasons as last above named.

6. Thomas Elmore—who voted at district No. 4, in Greene county, because he was not 21 years of age.

1. John Ping—who voted at the Dallas district, in Pulaski county, because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county, because he was not twenty-one years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

4. David Sadler—who voted at the Harrison district, in Pulaski county, because he was not a resident for the time required by law ; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county, because he was not twenty-one years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, for felony in Whitley county, and served his time out therein, and was thereby by law disfranchised.

7. Eli Dykes, jr—who voted at the Somerset district, in Pulaski county, because he was a resident of the Bent district, Pulaski county, at the time of said election.

8. John L. Logan—who voted at the Harrison district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

9. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county, because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

10. Wesley Neal—who voted at the Buncombe district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

11. Norris Williams—who voted at the Bent district, in Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

12. Washington Reynolds—who voted at the Bent district, in Pulaski county, because of the same reasons as last above stated.

13. James Parton—who voted at the Harrison district, in Pulaski county, because he was not twenty-one years of age.

14. John Elder—who voted at the same district, for the same reasons above.

15. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county, because he was a foreigner, and not a citizen of the United States.

16. Thomas Jenkins—who voted at the same district, and for the same reasons as above.

17. Henderson Angell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

18. Patrick Doyle—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

19. Samuel Hansard—who voted at the same district, because there is no such voter living in said district.

20. John Davis—who voted at the Somerset district, Pulaski county, because he was not twenty-one years of age.

21. William Burton, son of Benjamin Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

22. Dunny Lustre, son of Jessie Lustre—who voted at the same district, and for the same reason.

23. J. J. Smiley—who voted at the Grundy district, Pulaski county, because he was not a resident of the State, county, or district for the time required by law.

24. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not twenty-one years of age.

25. Joseph Keith—who voted at the same district, and for the same reason.

26. Daniel Chitwood—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

27. Jonathan Abbott—who voted at the same district, and for the same reason.

28. John Brown—who voted at the same district, and for the same reason.

29. Elijah Burton—who voted at the Gaines district, Pulaski county, because he was not twenty-one years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county, because he was not twenty-one years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county, because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr—who voted in the same district last named, because he was not a resident of the State, county, or precinct for the time required by law.

1. George W. St. Johns—who voted at the district No. 1, Wayne county, because he was not a resident of the State, county, or precinct for the time required by law.

2. Williams Boston—who voted at district No. 1, of said county, because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place, because he has

not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district, because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Graer—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district, because he was not a resident of the county or district for the time required by law.

9. E. F. Wallen—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

11. Andrew Henny—who voted at the same district, because he is not twenty-one years of age.

12. John Chriswell—who voted at the same district, because he was not a resident of the county or district for the time required by law ; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district, because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district, because he is not twenty-one years of age.

15. Charles Orman—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

16. Geo. Smith—who voted at the same district, because he is not twenty-one years of age.

17. Wm. Terry—who voted at the same district, because he was not a resident ; in fact, he was a resident of Russell county at the time of the election.

18. Geo. Arthur—who voted at the same district, because after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs district, Wayne county, because there is no such a voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county, because he was not resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and, further, because he is not entitled to vote in Kentucky, or anywhere else, he being under twenty-one years of age.

21. Thos. Rutherford—who voted at the same district, because he is not twenty-one years of age.

22. Marion Stevenson—who voted at the same district, because he is not a resident of the county or district for the time required by law.

23. Thos. Mus—who voted at the same district, for the reason last above named.

24. Wm. Scantland—who voted at the same district, because he is not twenty-one years of age.

25. Samuel Pennington—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

26. Jno. Fredricks—who voted at the same district, because he is a foreigner, and not a citizen of the United States.

27. James Daws—who voted at the same district, because he is not a resident of the county or district; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district, because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchison—who voted at the same district, because he is not twenty-one years of age.

31. Wm. Weaver—who voted at the same district, because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you, when he first cast his vote for other democratic candidates for the various offices of the State, &c.

32. Thomas Simpson—who voted in Mill Springs district, because he is under twenty-one years of age.

33. George Payn—who voted at the same district, because he is an idiot.

34. F. M. Marcum—who voted at the same district, because after he had recorded his vote for me, and had left the polls, his name was erased from the poll-book, so far as his having voted for me.

35. William Foster, jr.—who voted in Mill Springs district, because he is under age, and not a resident of the district, as required by law.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county, because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district, because he was not 21 years of age.

38. Wm. Rule—who voted at the same district, for the same reason last stated.

39. Shelby Denny—who voted at the same district, for the same reason last stated.

40. Wm. Carter—who voted at the same district, because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district, because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district, because he was not a resident of the State, county, or precinct for the time required by law.

43. Wm. Sloan, jr.—who voted at the same place, because of the reasons above named.

44. Berry Shoat—who voted at the same place, because of the reasons above named.

45. Andrew Hail—who voted at the South Fork district, in Wayne county, because he was not 21 years of age.

46. Granville Spradlen—who voted at the same place, because he was not 21 years of age.

47. William Breuster—who voted at the same place, because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place. He only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville, because he was not a resident for the time required by law.

50. William King—who voted at the same place, because he was not 21 years of age.

51. James Davis—who voted at the same place, and because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place, because of reasons last above named.

53. Hiram Troxdall—who voted at the same place, because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullentown district, Wayne county, because he was not 21 years of age.

55. Granville Shoat—who voted at the same place, because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county, because he was not a resident for the time required by law.

57. Isaac Mason—who voted at the same place, because he is not a legal voter.

58. Stephen Loveall—who voted at the same place, because he is under 21 years of age.

59. Gideon Loveall—who voted at the same place, because he is not a legal voter.

60. Christopher Jones—who voted at the same place, because he is not 21 years of age.

61. John Henry—who voted at Mullenton, because he was not a resident of the county, State, or district the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice; if so, I hereby deny them; but I do admit that Abraham Mounce, whose vote you challenged, as I suppose, was not a legal voter; for, if you will examine the poll-books, you will find that the said Mounce voted for you, and is so recorded and counted.

You have also challenged the vote of James Low. The said Jimmy voted for you, and is so recorded, and the same is illegal; and I therefore admit that, as he voted for you, his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested ; but I expect to prove, and will prove, before said Congress that I am honestly, fairly, and legally elected to that position ; and I will state, that in the discharge of the high duty as the representative from the fourth congressional district of Kentucky, I will endeavor to so act as to meet with the confidence and respect of my constituents. The war-worn veteran ; the children of the country ; the widow ; the orphan ; shall, as far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

JAMES S. CHRISMAN :

I will, before William Vann, presiding judge of the Clinton county court, on the 12th day of December, 1859, at the court-house in Albany, take the depositions of G. F. Dowell, J. P. Floyd, J. B. H. Floyd, and Garnett Dowell, all of whom reside in Clinton county. And I will, before W. M. Green, presiding judge of Russell county court, in Jamestown, at the court-house, on the 15th of November, 1859, take the depositions of Allen Grider, A. Satterfield, S. H. Satterfield, Paul Poulson, sr., James E. Wilson, and Robert Blakey, all of whom reside in Russell county. All of the above depositions to be read in the matter of contest between you and myself pending before the House of Representatives of the United States.

W. C. ANDERSON.

OCTOBER 24, 1859.

Executed on James S. Chrisman by delivering him a true copy of the notice on October 28, 1859.

T. BATES, *S. W. C.*
By L. P. BAKER, *D. S.*

EVIDENCE NOT TAKEN IN TIME.

The Commonwealth of Kentucky to the sheriff or any constable of Clinton county :

You are commanded to summon George Westmoreland, John Westmoreland, and David Wallen to appear before me, at the court-house in the town of Albany, Clinton county, Kentucky, on Wednesday, 14th December, 1859, to give their testimony, by way of deposition, to be read as evidence in the House of Representatives of the 36th Congress of the United States of America, on behalf of W. C. Anderson, in a matter of contest there pending in which J. S. Chrisman contests the seat of said Anderson in said House. Witness my hand this 1st day of December, 1859.

WM. VANN, *P. J. C. C. C.*

Executed in full December 14, 1859.

J. J. DUVAL, *C. C. C.*

The Commonwealth of Kentucky to the sheriff, jailer, or any constable of Clinton county :

You are commanded to summon Jeremiah Davis to appear before me, at the court-house in Albany, Clinton county, Kentucky, to give his deposition to be read as evidence in behalf of W. C. Anderson in the House of Representatives of the United States of America, in a matter of contest now pending in said Congress, wherein J. S. Chrisman contests the seat of W. C. Anderson in said Congress. Witness my hand this 12th day of December, 1859.

WM. VANN, *P. J. C. C. C.*

Executed in full December 12, 1859.

J. H. KELSAY, *Jailer.*

ALBANY, KENTUCKY, *November 9, 1859.*

JAMES S. CHRISMAN, ESQ.—SIR: You are notified that on Monday, 12th December, 1859, at the court-house in the town of Albany, Clinton county, Kentucky, before William Vann, presiding judge of said county, I will take the following depositions in addition to those of which I have heretofore given you notice, viz: the depositions of S. J. Hunter, Robert Neathery, sen., James C. Staten, Jeremiah Davis, John W. Marion, John Westmoreland, jr., G. Westmoreland, James J. Duvall, Anderson Mainerd, and Ezekiel Hall, to be read and used as evidence in my behalf, in a matter of contest now pending before the House of Representatives of the United States of America, in which you are contestant and I am contestee, when and where you can attend and cross-examine if you choose.

W. C. ANDERSON,
By H. S. TAYLOR,
His Attorney.

Executed by delivering to J. S. Chrisman a true copy of the within notice November 9, 1859.

J. J. DUVALL, C. O. C.

JAMES S. CHRISMAN, Esq. :

You are notified that at the court-house in the town of Albany, Clinton county, Kentucky, before William Vann, presiding judge of the Clinton county court, I shall attend for the purpose of taking the depositions of William T. Long, J. P. Lawrence, John Simpson, David Walden, John Stockton, Paul Stockton, D. P. Wright, A. H. Duval, Simeon Markam, and Jerry Sloan, jr., all of whom reside in Clinton county, Kentucky.

I will also, at the same time and place, and before the same officer, take the depositions of David C. Travis, who resides in Fentress county, Tennessee, and Joseph Hart, jr., who resides in Wayne county, Kentucky ; said depositions to be used as evidence before the House of Representatives of the next Congress of the United States in a case of contested election, wherein you contest my right to a seat in said body as the member from the fourth congressional district of Kentucky. November 15, 1859.

W. C. ANDERSON.

Executed on James S. Chrisman by leaving a true copy of this notice at his usual place of abode on November 17, 1859.

F. BATES, S. W. C.

JAMES S. CHRISMAN :

And I will, on the 12th day of December, 1859, at the court-house in the town of Albany, Clinton county, Kentucky, before William Vann, presiding judge of the Clinton county court, take the depositions of W. A. Hoskins, Valentine Brown, S. W. Hunter, Frank Burdett, G. W. Howard, Perry Duval, J. P. Rickers, Harvey Ryan, J. H. Smith, Henry Taylor, Pearson Huff, H. T. Goff, Frank Irvin, Luther Hancock, A. J. York, C. L. Holsapple, Charles P. Gray, Isaac Boring, Otho Miller, R. W. Wood, Elijah Koger, John Irvin, Archibald Sedwell, Jesse Sedwell, J. Patton, J. S. Chilton, James Johnson, R. Woodson, James Gibbons, Allen Smith, Eley C. Smith, James Chilton, J. C. Andrews William Koger, M. Koger, William Harper, M. Speck, Jane Smith, Martin B. Owens, James Tompkins, Joshua Lawhorn, Anderson Maynard, Ele Jones, Robert Wood, Reuben Hurt, Simeon Morcum, W. Ellis, John W. Marion, A. H. Duvall, James Beard, and D. P. Wright—all of which witnesses now reside in the county of Clinton, State of Kentucky.

W. C. ANDERSON.

The Commonwealth of Kentucky to the sheriff or any constable of Clinton county, greeting :

You are hereby commanded to summon W. A. Hoskins, Valentine Brown, S. W. Hinton, Frank Burchett, G. W. Howard, Perry Duval, J. P. Rickers, Harvey Ryan, P. H. Smith, Henry Taylor, Pearson

Huff, H. T. Goff, Frank Irvine, Luther Hancock, B. F. Hancock, A. J. York, C. L. Holsapple, Charles P. Gray, Isaac Boring, Otho Miller, R. W. Wood, Elijah Koger, John Irvin, Archibald Sidwell, Jesse Sidwell, J. Patton, J. L. Chilton, James Johnson, R. Woodson, James Gibbons, Allen Smith, Ely C. Smith, James Chilton, J. C. Andrews, William Koger, M. Koger, William Harper, M. Speck, Jane Smith, Martin B. Owens, Joseph Tompkins, Joshua Lawhorn, Anderson Maynard, Eli Jones, Robert Wood, Reuben Hurt, Simeon Marcum, W. A. Ellis, John W. Marion, A. H. Duvall, James Beard, D. P. Wright, and G. A. Dowell, to appear before me at the court-house in Albany, Clinton county, Kentucky, on the 12th day of December, 1859, to give their depositions in the matter of contest pending before the House of Representatives of the United States, between James S. Chrisman and William C. Anderson, the former of whom is contestant and the latter contestee; and this they shall in nowise omit under the penalty of the law.

Given under my hand, as presiding judge of the Clinton county court, this 22d day of October, 1859.

WM. VANN, *P. J. C. C. C.*

Executed on all the within named witnesses, except C. L. Holsapple, James Smith, W. A. Ellis, and A. H. Davis, December 12, 1859.

J. G. PICKENS, *S. C. C.*,
By J. J. WOOD, *D. S. C. C.*

JAS. S. CHRISMAN, Esq.:

SIR: Take notice that I will, at the court-house in the town of Albany, Clinton county, Kentucky, at the same time, and before the same person I have heretofore notified you I would take depositions to be read as evidence in the matter of controversy between us, wherein you are contesting my right to represent the fourth congressional district of Kentucky in the next Congress of the United States, also take the depositions of James C. Hancock, residing in Clinton county, Kentucky; and of James Haggard, residing in Cumberland county, Kentucky, to be read as evidence for the same purpose as those whom I have before given you notice, to be taken at the same place.

W. C. ANDERSON.

Executed the within notice on the within-named James S. Chrisman by delivering him a true copy thereof on this the 28th day of November, 1859.

W. R. TAYLOR, *M. S. D.*

The deposition of P. H. Smith, taken at the court-house in the town of Albany, Clinton county, Kentucky, on the 12th of December, 1859, pursuant to notice before William Vann, county judge of the Clinton county court, to be read as evidence in behalf of W. C. Anderson in a case of contested election between James S. Chrisman and W. C. Anderson now pending before the 36th Congress of the House of Rep-

representatives of the United States of America, wherein James S. Chrisman contests the seat of W. C. Anderson to said Congress. The deponent, being of lawful age and first sworn, states :

By Mr. Anderson's counsel. Are you or not acquainted with S. J. Vance; if so, where and for whom did he vote in the late election for Congress?

Answer. I know S. J. Vance when I see him; he voted, as I see by reference to the poll-book, at the Hays precinct, district No. 5 of Clinton county, Kentucky, and for James S. Chrisman for Congress, at the late August election.

By same. Where did S. J. Vance reside at the time of said election?

Answer. I don't know of my own knowledge where said Vance resided; but was informed by him that if he had known there would have been any dispute about his vote he would have gone from district No. 4, known as the Ill Will precinct of Clinton county, and voted there.

By same. Did he or not say that he went there, to district No. 5, for the purpose of going to school?

Answer. He did.

By same. Is or not said Vance's vote challenged by Anderson; and is or not this the same person challenged that you have been speaking of?

Answer. His vote is challenged by Anderson, and he the same person I have been speaking of.

By same. What is your age and avocation in life?

Answer. I am 29 years of age, and am a merchant in the town of Albany.

By same. Did or not said Vance's parents reside before and at the time of the election in district No. 4 of this county?

Answer. My understanding is that his father did; his mother is dead.

Question by Chrisman's counsel. State whether or not S. J. Vance was at the last August election a married man or a housekeeper.

Answer. My understanding is that he is a single man, and not a housekeeper, nor never was at any time, to my knowledge.

By same. State whether or not the father of said Vance was or not a housekeeper at the last August election, and whether or not he lived amongst his children.

Answer. I do not know whether or not he is a housekeeper.

By same. State whether or not the mother of said S. J. Vance is dead, and whether there are any children living with his father.

Answer. I suppose Mr. Vance's mother is dead. I do not know whether or not there is any one of his children living with his father or not.

By same. State whether or not you are acquainted with P. H. Clark, who voted for William Anderson for Congress at the last August election, and your opinion as to the extent of negro blood in him.

Answer. I am not acquainted with the above-named Clark; I have seen him once. He is tolerably dark; but I think I have seen some

men who were regarded as white men that I thought were as dark as he, Clark.

By Chrisman's attorney. Are you acquainted with all the voters who resided in precinct No. 5 at the last August election?

Answer. I am not.

By same. Do you know that there resided in said precinct, No. 5 at the last August election no voter by the name of S. J. Vance, except the S. J. Vance of whom you have been speaking?

Answer. I do not know of any other than the one spoken of.

By same. Did you see the Vance of whom you have spoken vote; and do you know of your own knowledge that he voted at all?

Answer. I did not see him vote; I only saw the name S. J. Vance recorded on the poll-book for said precinct No. 5.

By same. How old do you suppose the S. J. Vance of whom you have been speaking to be, and where was he raised?

Answer. I supposed him to have been twenty-one years old at the time of voting, and I suppose he was raised in this, Clinton, county.

By same. When did he tell you that if he had known his vote would have been disputed he would have gone home?

Answer. About the eighth day of November, as well as I remember.

By same. Do you know to what place he meant when he said he would have gone home?

Answer. I only know in this way; he had formerly lived in the Ill Will precinct, and stated that if he had known that his vote would have been disputed he would have gone down home and voted.

By same. At whose house had he formerly lived in the Ill Will precinct?

Answer. I do not know of my own knowledge.

By same. How then do you know that he lived there at all?

Answer. Of my own knowledge I do not know that he did.

By same. Do you know that his father was a housekeeper anywhere last August election?

Answer. I do not know.

By same. Does he or not now reside in the said 5th precinct?

Answer. I do not know.

By same. For whom did you vote for Congress in the late August election?

Answer. For W. C. Anderson.

By Anderson's counsel. Have you or not known persons who were always regarded as white men, and whose right to vote was never challenged or suspected, whose color was no lighter than P. H. Clark's, whom you have been speaking of?

Answer. I think I have seen men vote whose color was as dark as Clark's, whose votes were never challenged or suspected.

By same. Is or not Henry Allen, who voted at the Piney Woods precinct in this county as dark complected as said Clark; and has he or not always been regarded as a white man, and entitled to a vote?

Answer. I do not know Henry Allen.

By same. Could you tell by merely looking at said Clark's complexion that he had other than white blood in him?

Answer. If I had not heard the thing talked about, I do not think I would have thought of such a thing ; I did not notice the man particularly.

By same. Did or not S. J. Vance, whom you have already spoken of in this deposition, tell you that he had voted for J. S. Chrisman for Congress in the late August election, that his vote was challenged by Anderson, and that he had gone from district No. 4 to district No. 5 for the purpose of going to school there, where he voted ? and did or not his father reside in district No. 4 ?

Answer. He told me he voted for J. S. Chrisman for Congress at the late August election, and that his vote was challenged by Anderson ; and my understanding was that he went from district No. 4 to district No. 5 for the purpose of going to school there, and that his father at the time resided in district No. 4.

By Chrisman's attorney. Did you ever see a man vote in Kentucky who looked as much like an African negro as the man Clark, of whom you have spoken ; if so, what man ; when and where did he vote, and is not the said Clark kinky-headed ?

Answer. I don't know that he looked like an African negro. I have seen one man who was regarded as a voter in Kentucky, and as a white man, who I think as dark as Clark, to wit, L. D Bunch. I don't recollect noticing his hair, whether it is kinky or not.

By same. If you had been a judge of the election, and wholly unacquainted with the said Clark, and he, Clark, had offered to vote, would you, after looking at him, have received his vote without proof that he was a free white man ?

Answer. If I never had seen him before I don't know that I should have noticed that he looked like he had negro blood in him. I don't know that I would have thought about his having negro blood in him ; he looked dark.

By same. Did you or not tell William J. Dabney that you would not have wanted the vote of as dark a man as Clark ; and that if Anderson was elected only by Clark's vote he ought not to accept the seat, or what did you say ?

Answer. I might have said that I would not want as dark a man's vote as Clark was. I don't recollect that I said Anderson ought not to accept if elected by his vote only.

P. H. SMITH.

Also the deposition of Francis Irwin, taken at the same time and place, to be read for the purposes mentioned in the caption. Depo-
nent, being of lawful age and first duly sworn, states :

By Anderson's counsel. State whether or not you are acquainted with J. Lemons ; if so, where and for whom did he vote for Congress at the recent August election ?

Answer. I am acquainted with him ; he lived with me about eighteen months before the election. I find upon examining the poll-books that he voted for J. S. Chrisman, at district No. 3, in Clinton county, Kentucky.

By same. Did you ever hear him say anything in reference to his age ; if so, what did he say ?

Answer. I heard him say that he was four years old at the time his mother died, which he said he was informed was in the spring of 1843; he also said that he had examined her tombstone, and it was there recorded that she died in 1843. This conversation was had previous to the recent election. I have heard him say on several occasions that his best information was that he was about four years old at that time. He sometimes used the expression "about four years old;" at other times, that he "was four years old."

By same. Did you or not hear him say on the morning of the recent August election that he was not twenty-one years of age?

Answer. He said he was not going to vote; that he was not old enough.

By same. Was there any other man by the name of J. Lemons residing in district No. 3 at the time of the recent August election?

Answer. No one that I know of.

By same. Is his vote not challenged by W. C. Anderson?

Answer. I find upon looking at Anderson's response to Chrisman a name corresponding with his, and suppose it is he.

By same. Are you not acquainted with A. J. York; if so, where and for whom did he vote for Congress at the recent August election?

Answer. I am acquainted with him; I was present at district No. 3 at the recent August election, and heard him vote; he voted the democratic ticket except Chrisman; he voted for Anderson.

By same. Have you or not heard him say since the election that he voted for Anderson?

Answer. I have.

By same. Is or not his vote recorded on the poll-book for both Boles and Hoskins, and not for Anderson?

Answer. I find it is so recorded upon the poll-books.

By same. Were or not Boles and Hoskins both candidates for the State senate?

Answer. They were.

By same. Was there any other man by the name of A. J. York residing in district No. 3 at the time of the recent August election?

Answer. No other that I know.

Cross-examined.

By Mr. Chrisman's attorney. Did or not John Lemons list for taxation in Clinton county last year, and pay poll-tax?

Answer. He gave his tax-list in this way last spring: Martin Miller, the tax commissioner for Clinton county, called on the said John Lemons to list for taxation last spring. Lemons replied, in substance, that he was willing to be sworn to his property, but would not be sworn to his age; but told the commissioner to put him down as twenty-one years of age, if he wanted to; that he, the said commissioner, might do as he pleased; that he would not be sworn to his age. I believe the commissioner put him down as a poll-payer, and I now hear Mr. Anderson's attorney, present, admit that the tax commissioner did then put him down on his book as a poll-tax payer, in pursuance of the said facts.

By same. How long have you known the said John Lemans, and where and by whom was he raised?

Answer. I think it will be two years ago next January since he set in to work with me, and remained until a few days prior to the last August election. I had seen him once before. I don't know who raised him. He told me he was raised in Tennessee.

By same. Is or not the name which you have examined in Mr. Anderson's response, and in the list of Chrisman's votes therein, designated and challenged by Anderson, John Lemmans, and not J. Lemans.

Answer. John Lemmans is the name challenged by Mr. Anderson in his response.

By same. The name of the Lemmans about whom you have spoken is not J. J. Lemmans, is it?

Answer. Not that I know of.

By same. What proportion of the voters who resided in precinct No. 3, called Neathery's precinct, at the last August election, were you acquainted with?

Answer. I am acquainted with nearly all of them, I think.

By same. Who did the young man Lemmans tell you gave him his information about his age when his mother died?

Answer. I don't know that he ever named anybody in particular; he said "they." In a conversation between myself, Allen M. Elder, of Albany, Kentucky, and said Lemans, in which Lemans made the said statement about his age, said Elder replied that he reckoned that was about right; that he (Elder) was there during his mother's last sickness, and, from his size and appearance, he supposed his statement correct.

By same. Did A. J. York vote by the use of a printed ticket, or verbally?

Answer. He had no ticket that I saw; he spoke it out.

By same. Did the sheriff then cry the names of persons for whom York voted?

Answer. I am not positive. I think he cried that York voted the democratic ticket, except Anderson.

By same. Do you remember whether the sheriff cried the name of Anderson as one for whom York voted or not?

Answer. I think he did.

By Mr. Anderson's counsel. Is there or not any other person living in district No. 3 by the name of J. or John Lemans besides the one you have spoken of? Is or not the John Lemans you have been speaking of not recorded on the poll-book as J. Leman?

Answer. There is no person that I know of residing in district No. 3, or did at the last August election, of the name either of John or J. Lemans, save the one I have spoken of. I think that his name is recorded in the poll-books as J. Lemans.

FRANCIS IRWIN.

Also the deposition of B. F. Burchett, taken at the same time and place, to be read at the place, and for the purposes mentioned in the

caption. The deponent, being of lawful age, and first duly sworn, deposeth and saith :

Question by Mr. Anderson's attorney. Are you or not acquainted with W. C. Wright and Simpson Wright ; if so, where and for whom did they vote for Congress at the recent August election ?

Answer. I am acquainted with them both. W. C. Wright voted in district No. 3, and Simpson Wright in district No. 2. They both voted for J. S. Chrisman. I find their names so recorded on the poll-books for those districts.

By same. Did or not their father remove from this State to Texas, and take both of them with him, while they were small boys ?

Answer. He did.

By same. Have you or not heard them both say that they lived in Texas from that time up to the time they came back to this State ?

Answer. I heard them both say they had.

By same. When did they come to this State ?

Answer. They came here something more than twelve months previous to the recent election.

By same. Did you or not hear them both say a short time after they came to this county that they came on a visit, not to make this State their home, and that they intended to return to Texas ? Have you or not often heard them both say so ?

Answer. The first time I saw them after they came back from Texas I asked them if they came here to live. They said they did not ; that they only came on a visit ; that they would not have this country for a home if it was given to them. After this I saw them often, and a few days before the election I met Simpson Wright. I said to him, " You have not gone back to Texas yet." He answered, " No ; we have not gone yet ; we have been waiting for father to come, but he has not come yet, and I don't think he is going to come. We will not wait for him any longer, but will start back as soon as the weather gets cool." This is the last conversation I had with him, and have not seen him since.

By same. Have you or not heard them both deny positively that this State was their home ?

Answer. I have. I have heard them both say they would not have this country for a home ; that they were going back to Texas. I have often heard them say so.

By same. Was there any other man by the name of Simpson Wright living in district No. 2 at the time of the recent August election, or is there at this time ?

Answer. No one that I know of.

By same. Was there any other W. C. Wright residing in district No. 3 at the recent August election, or is there at this time ?

Answer. If there is I do not know it.

By same. Are you or not well acquainted in both districts ?

Answer. I am.

By same. Do you know anything in reference to the intention of S. T. Hunter, whose vote is challenged by Chrisman, in leaving this State ; if so, what is it ?

Answer. On Saturday, before he started to Missouri, which was on

Sunday morning, he came to me and told me that he wished I would let the debt I had against him stand; that he was going off to work for money, and intended to come back and pay every debt he owed; that he was going to leave his family and horse in this county. He did leave his family and horse in this county, and afterwards returned himself. He said he was going to Missouri to work.

By same. Has or not his vote been challenged by Chrisman?

Answer I suppose it has.

By same. Did or not W. C. Wright raise a crop in Russell county, in this State, since he has been here; if so, when was it?

Answer. He told me that he was raising a crop in Russell county for one John Leveridge; this was last summer.

By same. Have either W. C. or Simpson Wright had any particular home or place of residence since they have been in this State?

Answer. I do not know whether they have or not.

[J. S. Chrisman excepts to the reading of this deposition of B. F. Burchett touching the votes of Simpson Wright and Wm. C. Wright, because he hath had no notice that the votes of said Wrights would be challenged, and the same are not challenged; and not waiving the exception, proceeds to cross-examine the witness.]

Cross-examined.

By Mr. Chrisman's attorney. Did or not the said Wrights both list for taxation and pay their taxes in this county since their return here?

Answer. If they did, it is not on the tax-book for the year 1859.

By same. How do you know they ever removed to Texas?

Answer. I know only by what they told me.

By same. Were they or not poor young men without families?

Answer. I know nothing about their property; if they have any families, I don't know it. I never saw them have much property.

By same. Have they ever owned any land to your knowledge?

Answer. No, sir; I know nothing about it if they have.

By same. Can you say for certain that they did not return to Kentucky as much as two years prior to the last August election?

Answer. I don't recollect anything about that.

By same. You have stated that Clinton Wright stated that he worked for Leveridge, in Russell county, this last summer; state if you know what Simpson Wright did last summer?

Answer. I don't know what Simpson did last summer.

By same. When Simpson told you that he had been waiting the arrival of his father in Kentucky, what did he say his father was coming here for?

Answer. I never asked him, and he never told me.

By same. The said Wrights are both here yet, are they not?

Answer. I saw one of them yesterday; I don't know whether the other is or not.

By same. Have they not a large family relationship here in Clinton county, Kentucky?

Answer. They have a good many connexions here, I think.

By same. How long since their father left this country?

Answer. I would suppose it has been twelve or fifteen years ago since their father left here.

By same. Were they or not grown men, apparently over twenty-one years of age, when they returned?

Answer. I expect they were.

By same. Was their father poor when he left here?

Answer. He was.

By same. Are they or not young men that talk a great deal and somewhat extravagantly?

Answer. Not that I know of.

By same. Did you or not regard it as extravagant for them to say they would not stay here for Kentucky?

Answer. I thought if their father owned a league of land they had better go to it. I did not think anything about the extravagance of the chat at the time.

By same. Do you remember any person that was present when they told you they were going back to Texas; and did they fix any time at which they were going back?

Answer. Joseph Warriner was by when Simpson Wright told me so; he, Simpson, said they were going back about September last, 1859.

By same. Were you or not an acting constable of Clinton county, and, as such, had a debt against Samuel Hunter when he left here?

Answer. I was not constable at that time. I had been, and, as such, had the debt and paid it myself, and held it, or part of it, against him.

By same. Where did he say he was going to when he left?

Answer. He said he was going to Missouri.

By same. How long was he absent before he returned?

Answer. It was some three or four months, may be more and may be not quite so much.

By same. What are your politics, and for whom did you vote for Congress at the last August election?

Answer. I voted for W. C. Anderson for Congress. I vote the opposition ticket generally.

B. F. BURCHETT.

Also the deposition of Montgomery Howard, taken at the same time and place, and for the purposes mentioned in the caption. The deponent, being of lawful age, and first sworn, states:

Question by Mr. Anderson's counsel. Are you or not acquainted with Jno. Travis; if so, where and for whom did he vote at the last August election?

Answer. I am acquainted with a man living in the Piney Woods district, of Clinton county, Kentucky, by that name. I heard him say he voted in said district, and for J. S. Chrisman for Congress, at the late August election.

By same. Is or not the Travis to whom you have alluded the same who was at that time, and is now, in the employ of the Nashville and Rowena Coal Company?

Answer. He is the same man.

By same. Have you or not had a conversation with said Travis;

and did he or not in that conversation tell you that he was a foreigner by birth, and that he had only declared his intention to become a citizen of the United States of America, and that he had not taken the final oath of allegiance to this country?

Answer. He has repeatedly told me he was a foreigner by birth. He has also told me since the election that he had not yet got his naturalization papers, but could get them by sending on.

By same. Is there or not any other John Travis residing in the Piney Woods precinct, of Clinton county?

Answer. There is no other that I know of.

By same. Is he or not the same John Travis challenged as a voter for Chrisman by Anderson?

Answer. I presume he is, from looking at the response of Anderson to Chrisman.

By same. Did you or not hear Simpson Wright vote at the late August election; if so, where and for whom did he vote for Congress at said election?

Answer. I did not hear him vote.

By same. Are you or not acquainted with George Wilkinson; if so, where and for whom did he vote for Congress at the late August election?

Answer. I am acquainted with Geo. Wilkinson. I see, from looking at the poll-books, that he voted at the Piney Woods precinct, in Clinton county, Kentucky, and for J. S. Chrisman for Congress.

By same. What are your politics, and for whom did you vote for Congress in the late August election?

Answer. My politics are democratic, and I voted for J. S. Chrisman for Congress.

Cross-examined by Mr. Chrisman's attorney.

Did or not the said John Travis, of whom you have spoken, tell you in the same conversation you have spoken of that his father was a naturalized citizen of the United States, and he a boy when they came here?

Answer. He has told me that his father was not a naturalized citizen.

By same. Was or not the substance of what you heard him say about his papers that he was naturalized, but the record of his naturalization was in some other State than Kentucky; and to enable him to show his naturalization, he would have to send for the papers or a copy of the record?

Answer. The conversation simply was, he said that he had not his naturalization papers, but that he could get them by sending on.

By same. How long has he been in Kentucky; and where did he last reside before he came to Kentucky?

Answer. He has been in Kentucky not far from two years now. He told me he came from Nashville, Tennessee, when he came to Kentucky.

By same. Were or not the judges of the election at the precinct

where he voted, if at all, or in which he lived at the election, well acquainted with him?

Answer. I presume they all knew him. One of the judges lived two or two and a half miles, and the other about three miles from him.

By Anderson's counsel. Have you or not heard George Wilkinson say he was of foreign birth?

Answer. I have never heard him say that he was of foreign birth. I have heard talk about his growing up in England, and talking about the English country.

By Chrisman's attorney. Did or not a certain negro or mulatto, by the name of P. H. Clark, vote for William C. Anderson for Congress, in the Piny Woods precinct, No. 2, at the last August election?

Answer. I don't know Clark to be a negro or mulatto; but I see the name of P. H. Clark recorded on the poll-book for the said precinct No. 2, at the late August election, as voting for W. C. Anderson for Congress. I knew a fellow at and before the said election in that precinct by that name. He had the appearance of being mixed blooded. From his looks, I would not like to let him eat at my table or sleep in my beds with white folks.

By same. Did or not his cross appear to be between the white race and the African negro race?

Answer. From his general appearance, I consider him a mixture of the white race with the black.

By same. Was he or not a fellow that made his appearance in this county from parts unknown, and whose parentage and genealogy were unknown in this country; and has he or not since voting left here for parts unknown?

Answer. I don't know where he came from when he came into our precinct about eighteen months ago. I know nothing, nor have I heard anything, about his parentage, or race, or relationship; he has left, or at least I have not seen or heard of him since the election.

By same. Were there or not some friends of the said W. C. Anderson trying to get the said mulatto to vote; and were they or not notified that he was mixed blooded, and therefore not entitled to vote, and warned not to vote him?

Answer. I told Valentine Brown and Hiram Hyden, who were friends of Anderson, and, as I thought, trying to vote him, that if I was in their place that I would not vote him, giving as my reason, in substance, that he was mixed blooded.

By same. Did or not the judges of the election object to his voting on the grounds you have mentioned?

Answer. I was not present when he voted, and don't know.

By same. Did or not said Clark have blue eyes; how will he compare in color with persons who voted for Chrisman that day; and how long had he been residing in said district prior to the last August election; could you form any opinion of what extent he was mixed by looking at him?

Answer. I don't know whether he had blue eyes or not; I think I have seen as dark-skinned men as him, whom I considered as clear-blooded as to the natural color of the skin; he came into said district,

according to my best recollection, some twelve or fourteen months prior to said election ; my opinion is, that he must be at least one-eighth mixed with African blood or more.

MONTGOMERY HOWARD.

Also the deposition of John W. Marion, taken at the same time and place, and for the purposes mentioned in the caption, who, being of lawful age, and first duly sworn, states :

Question by Mr. Anderson's counsel. State whether or not you are acquainted with F. E. Graer ; if so, where and for whom did he vote for Congress at the recent August election ?

Answer. I am acquainted with him ; it appears from the poll-book that he voted for J. S. Chrisman, at district No. 2, in Clinton county.

By same. Did you or not hear him say that he was of foreign birth and had not obtained his naturalization papers ? state all you heard him say in reference to this matter.

Answer. I heard him say that he was of foreign birth ; that he was brought to the United States when he was about twelve years of age ; I also heard him say that he could get his naturalization papers by going to Somerset ; I loaned him by horse to go ; he sent my horse back, but did not return himself.

By same. Did he or not say to you that he had only taken the oath declaring his intention to become a citizen of the United States, and had never taken the second oath ? state all he said about this.

Answer. He said his father took him to Somerset, Pulaski county, where he took one oath ; he called it the oath of allegiance ; he said he never had taken but the one oath ; he said he would go to Somerset and get his papers if they were correctly prepared ; and if he was properly or duly qualified to vote, he would present them agreeable to the notice served upon him ; and if not, he would pay no attention to it ; this was about the last conversation I had with him about it.

By same. Did you ever hear him say he voted for Mr. Chrisman at the recent August election ?

Answer. I did.

By same. Do you know of any other F. E. Graer in the 2d district ?

Answer. I do not.

By same. Is or not the 2d district the one usually called the Piney Woods district ?

Answer. I am so informed.

By same. Did or not Mr. Graer live with you for some time, and is he or not the same F. E. Graer whose vote is challenged by W. C. Anderson ?

Answer. He lived with me three years and some months ; I suppose he is the one challenged by Mr. Anderson ; he told me his vote was challenged, and that he was summoned to testify on oath whether or not he was a lawful voter.

By same. Was it or not this summons he spoke of when he said he would go to Somerset and get his papers if they were properly fixed up and bring them down agreeable to notice ?

Answer. I suppose it was.

By same. Did he ever return from Somerset ?

Answer. He did not.

By same. Did he or not say he would return if his papers were properly prepared and he a legal voter?

Answer. He did.

By same. Are you or not acquainted with Simeon Marcum ; if so, where and for whom did he vote at the late August election?

Answer. I am acquainted with him ; I heard him say that he voted in district No. 1, in Clinton county, for W. C. Anderson.

By same. Where did he reside previous to his becoming a citizen of this county?

Answer. In Wayne county, in this State, on the Little South Fork ; he had lived a neighbor to me there for several years—a part of the time at my house.

By same. Did he or not come from that county to this ; how long had he been a resident of this county, and district No. 1, previous to the recent August election?

Answer. My information is, that he came from Wayne county to this county ; he had been residing in this county, in district No. 1, from October, 1858, up to the election.

By same. Has or not his vote been challenged by Chrisman ; and do you know of any other man of that name in district No. 1?

Answer. It appears that his vote has been challenged by Chrisman. I know of no other man of that name in district No. 1.

Cross-examined.

By Chrisman's attorney. Did or not the said Frederick E. Graer also tell you that his father was a naturalized citizen of the United States, and that his father brought him here when a small boy?

Answer. He did tell me that his father was a naturalized citizen of the United States ; and that his father moved to the United States, and brought him when he was about twelve years old.

By same. Do you know the age of Simeon Marcum, of whom you have spoken?

Answer. I don't know his age ; I believe, from credible information, that he was over twenty-one years old at the August election ; he has paid his tax to me for the years 1856 and 1857.

By same. When Mr. Graer said he would go to Somerset and see if his papers were all right, and if they were would return, and left as you have stated, do you know that he ever went to Somerset at all?

Answer. I don't know it from my own knowledge.

By same. How old do you suppose the said Mr. Graer to be now ; and has he or not frequently voted in Kentucky?

Answer. He informed me that he was in his twenty-third year about a month since ; he voted twice before in Kentucky that I know of.

By Anderson's counsel. Did or not Graer give you the information in regard to his father having his naturalization papers since the last August election ; did or not he tell you that he went to Somerset, in Pulaski county, to be naturalized at the same time he took him there to take one oath he spoke of?

Answer. Graer gave me the information in regard to his father's

being naturalized since the last August election ; he said that his father took his family to Somerset at the time alluded to, and they took the oath of allegiance, as he called it.

By same. Did he or not say that he had never taken but one oath ?

Answer. He stated he had taken but the one oath.

By Chrisman's attorney. Did or not the said Mr. Graer tell you that he thought he was legally naturalized, and a good and legal voter ?

Answer. He did.

JOHN W. MARION.

Also the deposition of Wm. Arch. Sidwell, taken at the same time and place, and for the purposes mentioned in the caption ; who, being of lawful age, and first sworn, states :

By Anderson's counsel. Where do you now live, and how long have you lived there ; where did you vote at the late August election, and for whom did you vote for Congress ?

Answer. I now live in Clinton county, Kentucky, and was born and raised here ; I voted in the Ill Will district of Clinton county, and I voted for W. C. Anderson for Congress.

By same. How long had you resided in said district prior to the late August election ; how old were you at said election ; and have you ever made any other but Clinton county, Kentucky, your home ?

Answer. I never had lived out of said district before the last August election ; I am not certain how old I am ; I am at least twenty-four years of age ; I have never made any other place but Clinton county my home.

By same. Were you or not at the late August election in every respect legally entitled to a vote ?

Answer. I believe I was.

By same. Did you or not vote for W. C. Anderson at said election ; and did you or not desire your vote to be so recorded, and to so remain ; and did you ever direct said judges to scratch your name and vote off ? Is there any other Archibald Sidwell in that precinct save yourself ?

Answer. I did so vote for W. C. Anderson at the late August election, and desired that my vote should be so recorded, and to remain there when once put down ; I never directed the judges or any one else to take my name and vote off the said poll-book ; but, on the contrary, directed them not to do so ; I understood after I left the precinct they did scratch it off. There is no other Archibald Sidwell in the precinct except myself that I know of.

By same. Is or not Jesse Sidwell your brother ; and do you or not know where he resided previous to the recent August election ?

Answer. He is my brother ; and I know where he lived previous to the election.

By same. In what county and district did he live previous to the election ?

Answer. He lived in this (Clinton) county, and district No. 1, a short time before the election. While he was gone from home his mother moved from this district, and took his clothing with her, contrary to his orders, and without his knowledge ; she had before been

talking of moving, and he told her not to move a thing he had as he intended to stay in district No. 1 until after the election.

By same. Did you or not ever hear Jesse Sidwell say that after he had voted, on the same day, he was threatened with a prosecution by some of Chrisman's friends if he did not have his vote taken off?

Answer. I believe I did.

By same. Did he or not say that this was the reason he had his vote taken off?

Answer. Yes ; I did hear him say so.

By same. Did he or not claim district No. 1 as his home up to the election.

Answer. He did.

By same. Is there any other man by the name of Jesse Sidwell living in district No. 1?

Answer. None that I know of.

Cross-examined.

By Chrisman's attorney. You have stated that you were in every way legally qualified to vote at the last August election ; now tell us what are the qualifications that entitle a man to vote.

Answer. I think when a man is a free man he ought to vote as he pleases.

By same. Is every free man entitled to a vote, in your opinion?

Answer. I don't know whether they are or not ; I reckon they ought to be.

By same. How long does a man have to reside in Kentucky before he is entitled to vote?

Answer. He has to be in the district sixty days, and in the county two years.

By same. Do you know where the lines of any of the voting precincts of Clinton county run?

Answer. I don't know as I do exactly.

By same. How do you know, then, that your mother moved out of the town precinct No. 1 into the Ill Will precinct No. 4?

Answer. Because I know everybody always said we lived in the Ill Will precinct.

By same. What time did your mother move from district No. 1 to district No. 4? give the year, month, and day.

Answer. It was not more than two weeks till the election when she made said move.

By same. Has your mother raised you?

Answer. She has raised me.

By same. Have you always resided with her?

Answer. Yes, sir ; all the time till the year before the election.

By same. Do you know the reason why the election judges erased your name from the poll?

Answer. I was not present when they scratched off my vote.

By same. Did not your mother move out of the Ill Will or 4th precinct before the last August election?

Answer. Yes, sir; she did move out a month or two before the election.

By same. Did she or not move your clothes out with her when she moved?

Answer. She did move my clothes out with her.

By same. Has or not your mother always done your washing and sewing?

Answer. Yes, sir; she has.

By same. Why, then, do you state that you did not live with her the year before the election?

Answer. Because I was working with my uncle, Arch. Gipson, that year; I was hired to him for a year.

By same. During that year did not your mother do your washing and sewing?

Answer. She did.

By same. When you wanted clean clothes, clothes patched or made, did you or not return to your mother's to get them?

Answer. She always kept my things ready for me, and I went after them on Saturday night and back on Sunday morning to my home.

By same. Has she or not continually done the same for you in sewing, washing, &c., up to this time?

Answer. She has.

By same. When did your year with your uncle begin and expire?

Answer. I do not know—I have forgotten; I quit before my year was out.

By same. Did you quit before or since the election last August?

Answer. Since.

By same. How long did you work with your said uncle?

Answer. I don't know; three or four months.

By same. Is it or not also true that your brother, Jesse Sidwell, always kept his clothes, mending, sewing, and making, with his mother, as well as yourself.

Answer. I think not; he lived with his uncle, Arch. Gipson, about a year; this has been a year or two ago; during that time he kept his clothes with his said uncle; with this exception he has always kept his clothes, washing, and mending, and sewing, with his mother, as I have done.

By same. Are you or not both single men?

Answer. We are.

By same. Now give the time your brother commenced and quit living with your uncle, Arch. Gipson?

Answer. It has been at least a year ago since he quit living with his said uncle, or over.

By same. At what precinct did your said uncle vote at the time your brother worked with him?

Answer. In the Piney Woods precinct No. 2.

By same. Did you or not state in your first examination herein that your mother moved from the town precinct No. 1 while your brother Jesse had gone out to treat for Chrisman?

Answer. I did.

By same. How, then, do you know that your said brother either

voted or desired to vote for Anderson at the last election, who was the opponent of Chrisman?

Answer. He treated first for one and then for the other; I heard him say he voted for Anderson.

By same. Is he or not here in this county now?

Answer. He is.

By same. Did you or not tell Mr. James Johnson, who was a candidate for justice of the peace, that your mother moving out of the precinct you expected would deprive you of the right to vote in the Ill Will precinct No. 4?

Answer. I don't know whether I did or not.

By same. Where did your brother Jesse make his home at between the time his mother moved from the town precinct No. 1 and the election?

Answer. He did not make his home anywhere.

By same. After the election and up until now where did he make his home?

Answer. With his mother.

By same. Did he or not say that if his mother did move out he would still claim his residence in the town precinct to get to vote?

Answer. Yes, sir; he did.

By same. What year is this since the Christian era?

Answer. I don't know.

By same. Where have you lived since the election?

Answer. I have lived in the Piney Woods precinct part of the time, and in Ill Will part of the time.

By same. Have you lived with your mother any since the election?

Answer. Yes, sir; all the time.

By same. In what year were you born?

Answer. I do not know.

By same. What month and day?

Answer. The 28th day of April.

By same. Did you live with your mother at the time of the last election?

Answer. No, sir; I did not.

By Mr. Anderson's counsel. Do you or not know how to read?

Answer. I can't read or write.

By same. Is or not all of your knowledge of what it takes to constitute a legal voter derived from what you have understood was one?

Answer. It is.

By same. Did you or not live one year in Clinton county and make your home in the Ill Will precinct of said county sixty days before the last August election; and were you or not over twenty-one years of age at that time?

Answer. I lived over one year in Clinton county and sixty days in the Ill Will precinct of said county prior to the last August election, and I was over twenty-one years of age.

By same. Did or not P. H. Williams and other friends of J. S. Chrisman threaten to have you sent to the penitentiary or State prison if you did not have your name and vote erased from the poll-books, and endeavor to persuade you to do so?

Answer. They did.

By same. Did or not your brother, Jesse Sidwell, reside one year in Clinton county and sixty days in district No. 1 of said county, where he voted, prior to the last August election?

Answer. He did.

By Mr. Chrisman's attorney. Did Mr. Williams not simply tell you that you were not entitled to a vote, and if you voted improperly you would be punished?

Answer. No, sir ; he did not.

By same. Do you know where the law fixes a man's home at when he works at one place and keeps his clothes, washing, sewing, &c., at another place, to which last place he intends to return and does return when his time for which he is hired to work is out?

Answer. I don't know as I do ; I don't know anything about the law.

By same. When you were hired to Arch. Gipson, as you have stated, did you or not intend to return to your mother's when your time was out, and did you not quit before it was out and return to your mother's?

Answer. I did intend to return to my mother's, if I lived, when my time was out, and did quit before it was out and return to my mother's.

By Mr. Anderson's counsel. Where was your mother living when you went to your uncle's to live, and where did she live when you returned?

Answer. She lived in the Ill Will precinct when I went to my uncle's to live, and lived there when I returned.

By same. Did you or not, in response to a question from Mr. Hays, Mr. Chrisman's attorney, state that P. H. Williams told you before the election, when he thought you were going to vote for Chrisman, that you were entitled to a vote ; but after the election, when you had voted for Anderson, that he would have you put in the penitentiary if you didn't scratch it off?

Answer. He did.

By same. Did or not Mr. Hays refuse to put the answer down?

Answer. I don't know whether he put it down or not ; he said he wouldn't.

By same. Did or not P. H. Williams tell you the things above stated?

Answer. Yes, sir ; he told me and uncle Zeke too.

By Mr. Chrisman's attorney. What made Mr. Williams think that you were going to vote for Chrisman ; did you tell him so?

Answer. No, sir ; I did not tell him so ; I had always voted that way before.

By same. Did he tell you that he expected you to vote for Chrisman?

Answer. He did tell me so.

By same. Did you thereupon tell him that you were not for Chrisman, or who you were for?

Answer. I did not.

By same. How do you know that he looked for you to vote for Chrisman when he was a Chrisman voter, and you refused to tell him that you agreed with him in that matter?

Answer. My uncle Zeke told me he expected me to vote for Chrisman.

By same. Did you ever leave your mother's on business, or to work for any one, without intending to return to her when your work was done or business accomplished?

Answer. No, sir; I never did.

By same. You have stated that Mr. Williams told you that you were a legal voter; now state whether that was before or after your mother moved out of this town precinct No. 1?

Answer. It was before and after, both.

By same. What did Mr. Williams tell you that you would be penitentiariied for if you did not have your vote taken off?

Answer. He said it was not a legal vote.

By same. Why did he tell you it was illegal?

Answer. Because my mother had taken my washing out of the district.

WILLIAM A. ^{his} + SIDWELL.
mark.

Also the deposition of Allen Smith, taken at the same time and place, and for the purposes mentioned in the caption. The deponent, being of lawful age, and first sworn, states:

By Mr. Anderson's counsel: Is or not the name and vote of Archibald Sidwell scratched out on the poll-books of the Ill Will precinct of Clinton county, Kentucky, for the last August election?

Answer. I see that it is, from looking at the poll-book for said precinct.

By same. Is or not his vote omitted in counting the column for Anderson?

Answer. It is.

By same. Are you or not acquainted with John Guthrie; If so, where and for whom did he vote at the last August election for Congress?

Answer. I am very well acquainted with John Guthrie, and I see, from examining the poll-books, that he voted in district No. 1 of Clinton county, and for James S. Chrisman for Congress.

By same. State all you know in reference to his residence in district No. 1, where he voted.

Answer. He came to my house, in district No. 1, the 12th day of April, 1859, and hired himself to me for three months; his time expired the 20th day of July, and he told me he was going back to his father's, in district No. 3; he left my house on the 20th day of July, 1859, as he said, to go to his father's, in district No. 3.

By same. Did you ever see him in this the first precinct after that time, prior to the August election?

Answer. I never did, attending to any business.

By same. Is there any other John Guthrie in this county save the one you have been speaking of?

Answer. There is none that I am acquainted with.

By same. Did you hear him state anything in relation to working the road in the first district of this county?

Answer. He stated that he would not work the road in district No. 1; that he considered Seventy-six, in district No. 3, his home, and had to work the road there, and did not work the road in district No. 1.

By same. Are you or not acquainted with W. A. Ellis; if so, where and for whom did he vote for Congress in the recent August election?

Answer. I am acquainted with him. His vote appears to have been recorded for W. G. Anderson on the poll-books of the 4th district, in Clinton county, and afterwards erased.

By same. Is or not the said Ellis twenty-one years of age, and how long had he been a resident of the State, county, and precinct previous to his casting the vote for Anderson?

Answer. He told me previous to the election that he was twenty-one years of age last spring. He came from Overton county, Tennessee, in July, 1858, and I hired him to work. He had been in the county awhile before I hired him. He worked with me until about the 1st December. After he left my house he staid several nights with me, and told me that he was still living in the county. He was at my house sometime last spring, and told me he was going to live with James Johnson, in the 4th or Ill Will district of this county.

By same. Do you know any other man named W. A. Ellis living in district No. 4?

Answer, I do not.

By same. Did he or not stay at your house the night after the election, and did he or not then say that he had voted for W. C. Anderson? State all he said about it.

Answer. He did, and told me that he voted at the Ill Will, or 4th district, for Anderson.

By same. Did he say anything about his vote having been erased?

Answer. He did not.

Cross-examined.

By Chrisman's attorney. Is or not the vote and name of Archibald Sidwell erased entirely from the poll-book, and not counted for any one?

Answer. That is what the book shows.

By same. Did or not John Guthrie, about whom you have spoken, tell you in April last, when he hired to you, that he was done living at his father's forever?

Answer. He did so tell me in April.

By same. When he left your house in July last, as you have stated, saying that he was going to his father's, do you know where he went, or what he did thereafter, until the August election?

Answer. I know nothing except what he told me before he started. I never saw him thereafter at his father's. I don't know what he did thereafter at the election.

By same. Did he or not go to O. H. P. Snow's, and work or stay there after he left your house, and before the last August election?

Answer. If he worked or staid there before the election I don't know it. He has been working there since the election, and is now.

By same. While said Guthrie worked with you, was or not his home with you, in district No. 1, where his vote stands recorded?

Answer. My home, in district No. 1, where his vote stands recorded, was his home while he worked with me.

By same. Although you know that he moved his home from your house in July, as you have stated, do you know that he moved it out of precinct No. 1, where he voted, or that he has had or claimed any place outside of said precinct as his home since he left you?

Answer. Nothing only what he told me before he left my home, as I have stated.

By same. Do you not know, from his residence and employment at O. H. P. Snow's, that he has not been engaged in any business at his father's since he left you?

Answer. I don't know but what he was; I don't know; it was from the 20th of July until September before I knew of his engagement at Snow's.

By same. Is or not said Snow's in the said 1st precinct, where Guthrie voted?

Answer. Yes, sir; it is.

By same. Did you or not hear W. A. Ellis, of whom you have spoken, say that he lived in Tennessee, and had left there to avoid being arrested for some offence, or something of that sort?

Answer. When I first hired Ellis he told me he had lived in Tennessee, and had got into some difficulty in Tennessee by living with a woman, and that he did not want to pay the fine, and concluded he could do better in Kentucky than Tennessee, and that he would try Kentucky awhile. He said he did not calculate on going back to Tennessee any more, but talked like going to Missouri.

By same. Do you know that he ever had any home in the fourth precinct of Clinton county, Kentucky?

Answer. No, sir; only what he told me. He told me sometime in the spring of 1859 that he was living in the lower end of Clinton county.

By same. Had he any property in Clinton county that you know of?

Answer. No, sir; none that I know of except his clothes. He sowed six bushels, or thereabout, of wheat, at my house, which I bought of him.

By same. Do you know all the voters of the fourth precinct, or what proportion of them?

Answer. I know the most of them; I can't say what proportion.

By same. You don't know that the said Ellis either voted or attempted to vote, do you?

Answer. I do not; only what he told me on the night of the election.

By Anderson's counsel. Did or not Ellis tell you that he lived at James Johnson's; and is not James Johnson reputed to live in the fourth precinct; and do you or not understand by the lower end of the county the fourth district?

Answer. He told me he lived at Johnson's, and Johnson is reputed to live in the fourth precinct of this county. I understand by the lower end of the county the fourth precinct.

ALLEN SMITH.

Also the deposition of E. C. Smith, taken at the same time and place, and for the purposes mentioned in the caption, who, being of lawful age and first sworn, states :

By Anderson's counsel. Did or not John Guthrie, the man spoken of by Allen Smith in the preceding deposition, tell you that he boarded at his father's, in precinct No. 3, and assisted his sister to teach school just before the late August election ; and did he go to O. H. P. Snow's until some time after said election ?

Answer. He told me the Sunday after the election that he had been and was then boarding at his father's, in district No. 3, and helping his sister teach school. I live close to O. H. P. Snow's, and I never saw him at work there until after the election.

Cross-examined.

By Chrisman's attorney. Do you or not know that John Guthrie had rented land of O. H. P. Snow prior to the time you have spoken of, and made a contract to live with said Snow a year ?

Answer. I don't know of any such thing.

By same. Did you ever see Mr. Guthrie teaching school ; and do you know what school and in what precinct his sister was teaching ?

Answer. I don't know anything about it only what he told me ; he said his sister was teaching school in the Burchett district, which is the third voting precinct of Clinton county.

By same. Do you know how long she had been teaching the school ?

Answer. I do not know.

By same. What are your politics, and for whom did you vote for Congress in the late race for Congress ?

Answer. I voted for Wm. C. Anderson. My politics are opposition.
E. C. SMITH.

Also the deposition of Joshua L. Chilton, taken at the same time and place, to be read for the purposes mentioned in the caption :

Question by Anderson's attorney. State whether or not you are acquainted with Joshua Birdwell ; if so, where and for whom did he vote for Congress at the recent August election ?

Answer. I am acquainted with him ; he told me he voted at the Piney Woods (or second) district for J. S. Chrisman, which I find to be true upon an examination of the poll-book for said precinct.

By same. Is or not his vote challenged by Wm. C. Anderson ?

Answer. I see that it is by reference to Anderson's response to Chrisman.

By same. In what district did he live at the recent August election ?

Answer. Upon running the line according to the calls of the order upon the order book of the Clinton county court it includes him in district No. 1.

By same. Were you or not present upon a recent occasion when said line was run according to the calls of said order ?

Answer. I was.

By same. Upon making as correct and accurate a survey of said line as was possible, did you or not find that it included him in district No. 1, and not in No. 2?

Answer. Yes.

By same. Was there at the recent August election any other person living in district No. 2 of the name of Joshua Birdwell?

Answer. I know of no other man of that name.

By same. State the beginning and termination of the line of which you speak, as you find it upon record.

Answer. It begins at the house of John Andrews, and runs from there to Jeremiah Davis'; the house at which it terminates was, I suppose, at the time the order was made, occupied by said Davis.

Cross-examined.

By Chrisman's attorney. Does Mr. Joshua Birdwell still occupy the house in which he lived at the time of the election?

Answer. If he don't he has recently moved.

By same. Who ran the line; and by whose compass was it run?

Answer. Mr. G. W. Hart run the line with his own compass.

By same. What was the course called for on that part of the boundary between the 1st and 2d precincts?

Answer. It calls for beginning at the Jerry Davis house, and from thence due south.

By same. Do you or not know that there are two houses known by and called the Jerry Davis houses—the one on the hill and the other in the lower end of the field?

Answer. There are two houses: both belong to me; Jerry Davis has lived in both; he lived in the house that I have been speaking of, and from which we started when we ran the line, in 1854, and remained there until March, 1855, he moved in the lower house in the year 1856, and remained there over a year; no one has occupied the house we ran from since 1855.

By same. If you start from the lower house, in which Jerry Davis lived, and run south, will it not leave the residence of said Birdwell in the Piny Woods or 2d precinct?

Answer. I did not run the line.

By same. Have you or not known other persons who resided in the same house to vote in the Piny Woods precinct, and has not this always been the case?

Answer. I do not know.

By same. Are you a surveyor, or do you understand surveying?

Answer. I have never studied surveying; I have frequently been with surveyors and carried the chain, and have been county prothonotary for four years.

By same. You did not handle the compass and take the sight in said running, did you?

Answer. Yes, sir; I looked through them.

By same. Did you look through the sight at every setting of the compass, and mark every object in the range during the whole running you done?

Answer. The distance we run was not far; I don't recollect, but I

expect I looked through the compass every time it was set and noted the objects.

By same. What was the first object your sight carried you to?

Answer. We went to the house and set the compass; we could not get an object in the range of the sight; we then went upon the hill in the direction the line run, opposite Birdwell's house, and took a sight north back to the house, and then forward south on the line to a crooked black oak on the line.

By same. Suppose you were to stand at John Andrews' and run to the Davis house, do you know which side of the line the Birdwell house would be left?

Answer. I would say it would leave it in the town precinct, No. 1.

By same. Have you ever run it or seen it run from Andrews' to the said Davis house?

Answer. I have not; we commenced at or in sight of Andrews' and staked it by guess, and then moved the stakes till we got them on the range of the Jerry Davis house, or so nigh that it would not have missed it far.

By same. How far is it from John C. Andrews' to the Jerry Davis house?

Answer. I don't think it is quite three-quarters of a mile.

By same. What are your politics, and for whom did you vote at the late August election?

Answer. I voted for W. C. Anderson for Congress at the last August election; I am opposition in my politics.

By Anderson's counsel. Was or was not the order for the line between districts Nos. 1 and 2 made in 1824, and did it or not call for the house where Davis then resided?

Answer. I find it that way on the book containing said order.

JOSHUA L. CHILTON.

Also the deposition of John S. Stockton, taken at the same time and place, and for the purposes mentioned in the caption, who being of lawful age and first sworn, states:

By Anderson's counsel. Where did Asbury Shoate live at the late August election? in what precinct of Wayne county? Is he or not challenged by Anderson as having voted for Chrisman in the Edwards district, in Wayne county, Kentucky?

Answer. I am acquainted with a Shoate, called Berry and Alberry, mostly Berry. He lived in the Mullettown district, in Wayne county, at the late August election. He is challenged by Anderson as having voted for Chrisman in the Edwards precinct of Wayne county.

By same. Is there any man by that name in the Edwards precinct of said county?

Answer. I don't think there is.

Cross-examined.

By Chrisman's attorney. Please state what facts you know showing that the said Shoat had his residence in the Mullettown precinct, in Wayne county, at the last August election.

Answer. I think he has lived in it ever since he has lived anywhere ; he had a wife in the Mullentown district and hired to work with William Guffey, in the Edwards district of said county of Wayne, and passed my house regular once a week, or twice a week, going from said Guffey's to the neighborhood where his wife lived. I would sometimes accost him and say : " Berry, you are going out courting ;" he would reply, " No, I am going home." I would ask him where his home was ; he would say at Richard Shoat's, his uncle, which was in the Mullentown precinct.

By same. Was he or not living apart from his wife for some time prior to the last August election ?

Answer. I think they were parted ; he told me so, but still claimed her as his wife.

By same. Had he any property save his clothes ?

Answer. I think he had an old horse or two.

By same. Do you know where he kept the horse ?

Answer. He had a horse with him at Mr. Guffey's while he worked there.

By same. Did he or not continue to work there up until the August election ?

Answer. He left some ten or twelve days before the election and set in to work with Parish Graham, in the Mullentown precinct.

J. S. STOCKTON.

Also the deposition of James C. Hancock, taken at the same time and place, and for the purposes mentioned in the caption, who being of lawful age and first sworn, states :

By Anderson's counsel. Where and for whom did you vote at the late August election for Congress ?

Answer. I voted at Burksville, in Cumberland county, Kentucky, district No. 1, and for W. C. Anderson for Congress.

By same. Has or not your vote been challenged by Chrisman ?

Answer. I have understood so.

By same. How long had you been living in this State, and how long in the precinct where you voted, before the last August election ?

Answer. I have been living in the State all my life, and more than sixty days in the precinct where I voted before the last August election.

By same. Did you or not regard said precinct as your home, and did you have any other home than there, while you lived there ?

Answer. I regarded it as my home and had no other home while I lived there.

By same. Are you or not a single man ? Have you any permanent residence ? Are or not your mother and father both dead ? And do you or not regard that place your home wherever you are engaged in business ?

Answer. I am a single man ; I have no permanent residence ; my mother and father are both dead, and I do regard that place as my home wherever I am engaged in business.

By same. Was there any other James C. Hancock who voted in district No 1 of Cumberland county at the late August election ?

Answer. There was none that I know of.

Cross-examined.

By Chrisman's attorney. Have you any place among your relations or elsewhere to which you return or go when out of business?

Answer. I have no particular place ; I very frequently go to one of my two brothers, and sometimes to Wayne county, when out of business.

By same. Where did those two brothers live at and before the last August election?

Answer. In Albany, Clinton county, Kentucky, or near thereto.

By same. How were you engaged in Burksville at and before that election last August?

Answer. Teaching school.

By same. When your school expired where did you go next?

Answer. My first school expired on Friday before the election ; I then taught another three months' session in same precinct, and then came to Albany, and have been here ever since, boarding with one of my said brothers and teaching.

By Anderson's counsel. During the intervals that you speak of in the times you were engaged in teaching school did you not merely visit your brothers and other places, and not for the purpose of making those places your home?

Answer. I counted them as visits.

By same. You say you are now in Albany teaching school, boarding at your brother's : did you or not come here to attend to business, and not merely to make your brother's your home?

Answer. I came here to attend to business, and not merely to make my brother's my home.

J. C. HANCOCK.

Adjourned until Tuesday, December 13.

WM. VANN, *P. J. C. C. C.*

TUESDAY, *December* 13, 1859.

Met pursuant to adjournment.

Also the deposition of S. W. Hunter, taken on Tuesday, December 13, 1859, at the same place as the foregoing, to be read and used for the purposes mentioned in the caption.

The deponent, being of lawful age and first duly sworn, states :

Question by Anderson's counsel. Where and for whom did you vote for Congress at the recent August election?

Answer. I voted at district No. 3, and for W. C. Anderson for Congress.

Adjourned until Wednesday morning, December 14.

WM. VANN, *J. P. C. C. C.*

Met, pursuant to adjournment, on the 14th of December, 1859, and resumed.

WM. VANN, *J. P. C. C. C.*

By same. Did you or not go to the State of Missouri last winter? If so, tell all about the object of your trip to that State; also whether or not you sold part of your effects before leaving; tell about the matter.

Answer. In the latter part of last winter I commenced selling out my property with the intention of moving to the State of Missouri; I was not able to pay off all of my debts and go; I sent word to some men that I owed that I was willing to pay them part, and keep enough to pay the expenses of myself and family to Missouri. I learned that some of my creditors were not willing for me to go without paying them off, which I was unable to do; I thereupon declined the idea of moving to Missouri until I was able to pay off all my debts; I had at that time sold out my corn and pork; still had my horse, yoke of cattle, and household effects. I was trying to sell the cattle to E. C. Smith, who refused to buy until Squire Straten informed him that my going to Missouri for a temporary purpose would not lay the property liable to attachment. I had told Smith that I was going to Missouri for the purpose of working and getting money to pay my debts, and then return to my family in Clinton county, Kentucky, which latter purpose I had formed after the abandonment of the intention to move there; I had told Smith that I was going to leave my family here, and would be back myself in the summer or fall following, and I had no other intention than that expressed to Smith when I talked to him; my intention in going to Missouri was to stay until summer or fall and come back to my family; I had no intention of remaining there; to that end I made an arrangement with my father-in-law, Robert Netherly, who resided in the 3d or Netherly precinct, Clinton county, Kentucky, to move all my effects to his house, and my wife and children, which I did before taking the trip to Missouri. I was to furnish provisions for my family; this I did before I left; I bought corn, and left money with my wife to buy such other articles as she might want during my absence. I left my house with her; we moved everything to Netherly's before I started to Missouri. Having given up my premises where I had formerly resided, I started to Missouri in March, and got home in July to my family at Robert Netherly's. I worked while out there by the day and by the job, and got better pay than I could make at home. I have been at my father-in-law's ever since my return; I made his house my home last spring, and it is still my home; and I have had no other home or residence since I went there last spring.

By same. Tell all about a conversation you had with J. R. Gabbert (who has given his deposition in this contest) in regard to your horse, and running him off, &c.

Answer. After I had sold part of my effects, and after I had moved to Robert Netherly's, (at which place I remained near six weeks before I started to Missouri on the trip mentioned,) I went to see Squire Spearman to see if my horse could be subjected to execution if I went off temporarily; that is, I wanted to learn of him if the trip there would debar me of the rights of a housekeeper in Kentucky; on my way there I saw J. R. Gabbert, the man who gave his deposition for Chrisman in this contest; we were intimate and very friendly; I told

him where I was going, and my business with Spearman; he told me I need not trouble myself about going there; for, said he, if they get to devilling your wife about the horse I will jump on him and run him off to Tennessee and sell him, get the proceeds and bring it back to your (my) wife; for, said he, Sam, I have been tried in a case or two of this sort before; he gave me the history of a case where he had run off a horse in that way, and said they couldn't out-smart him; I told him that arrangement would not suit me, as I wanted my wife to have the horse to ride during my absence, and went on and saw Spearman; he told me that my leaving temporarily would not subject the property; I went home satisfied, and next Sunday I fixed up and started to Missouri, as before stated.

By same. Where did A. J. York vote at the late August election?

Answer. At the 3d precinct, Clinton county, Kentucky.

By same. Did you hear him vote; and for whom?

Answer. I heard him vote; I was present when he voted; there was great excitement over his vote in the congressional race; he was a democrat, and voted the democratic ticket throughout except J. S. Chrisman; he did not vote for him, but voted for W. C. Anderson for Congress; in this I am certain; I was at the polls, and was helping to press him to the polls; myself and C. Winfrey knew he would vote for Anderson, and hence our press.

By same. Was there or not a young man who lived at John W. Manon's, in Clinton county, Kentucky, last summer was a year ago, and up to the late August election, by the name of John Hughes?

Answer. There is a young man who lives at John W. Manon's by the name of Hughes; he is called Dent. Hughes; I don't know that he lives there, but my recollection is that he told me he lived there; this conversation took place in the fall of 1858; he told me he was going to stay there twelve months; I don't know how long he had been there before the date of this conversation; this is my best recollection.

By same. Is or not his name John Denton Hughes?

Answer. I don't know.

By same. Are you or not well acquainted in the 2d precinct of Clinton county?

Answer. I am well acquainted in that precinct; I was raised there, and am now twenty-eight years of age, or near it.

By same. Do you or not know any man who lived in said precinct at the late August election by the name of John Hughes, unless the man Dent. Hughes who lived at J. W. Manon's was of that name?

Answer. I know no man by the name of John Hughes who lived in said precinct at the date of the late August election, unless Dent. Hughes is named John Dent. Hughes; I know one other young man in said precinct by the name of Hughes, but don't know his christian name; this last-named one is quite young, and don't look to be twenty-one years of age.

By same. Is or not the name of John Hughes recorded upon the poll-book of the 2d precinct of Clinton county as voting for J. S. Chrisman at the late August election?

Answer. I have the poll-book of said precinct of Clinton county

now before me, and find the name of John Hughes recorded on the same as voting for J. S. Chrisman for Congress at the late August election.

Cross-examined.

By Chrisman's attorney. Are you or not still on terms of intimacy and friendship with J. R. Gabbert, of whom you have spoken?

Answer. I am.

By same. Were you present when he gave his deposition herein for Chrisman?

Answer. I was.

By same. Did you hear all he swore on that occasion?

Answer. I don't think I was in the house all the time.

By same. Did you or not tell him, during your interview with him, of which you have spoken, to run off your horse and sell him and give the proceeds to your wife, if they attempted to levy on or sell the horse from your wife after you left?

Answer. No, sir; I told him it would not suit me.

By same. Did you tell him not to do so?

Answer. I told him that would not do any good; that my wife wanted the horse to use; I told him if my horse could not be kept for my wife to use that I could sell him myself before I started.

By same. What county in Missouri did you intend to move to while you had the intention of moving?

Answer. I intended going to Benton county, Missouri; I had a brother living there.

By same. What county did you go to when you went to Missouri?

Answer. I got off at Boonville, with the intention of going to Benton county, but changed my mind and went to Carroll, where I remained until I started back; I learned I could get better wages in Carroll than in Benton.

By same. Did you or not leave home with the intention of going to your brother's, in Benton county, Missouri?

Answer. I did.

By same. What sort of work or business did you intend to follow when you got to Missouri?

Answer. I intended to work at what I could make the most money at; I am no mechanic.

By same. Had you any information before you left home that the difference in wages in Benton county, Missouri, were enough greater than wages here to pay your expenses of going and returning, and for the loss of the time going and returning, and then leave you with as much money as the wages of this country would have amounted to for the whole time of your absence?

Answer. I don't recollect that I had ever had any information about the wages in Benton county, Missouri, before I left home; I intended to go to Benton county because my brother lived there, supposing the wages to be as good there as in Carroll.

By same. Did you or not intend to remain in Missouri, and send for your family after you had made money and paid your debts; or

at least, after returning to Kentucky and paying your debts, did you or not intend to move to Missouri?

Answer. I had no notion of sending for my family ; I intended moving to Missouri at some future day, if I liked the country.

By same. Did you or not like the country on seeing it, and still like it?

Answer. I like the soil ; I took the chills, and did not like the climate.

By same. Did you see the young man Dent. Hughes, of whom you have spoken, vote?

Answer. I did not see Dent. Hughes vote ; I don't know that he did vote.

By same. Did you ever see Dent. Hughes at John W. Marion's, or hear him called John Hughes?

Answer. I don't recollect ever seeing him at Marion's ; I never heard him called John Hughes.

By same. Have you any recollection as to what he said he was following at Marion's, and is not Marion's in the Piney Woods, or 2d precinct of Clinton county?

Answer. My recollection is that Dent. Hughes, of whom I have spoken, said he was going to study the sciences under Marion ; said Marion resides in the Piney Woods or 2d precinct of Clinton county.

By same. For whom did you vote ; and is or not your vote challenged by Chrisman?

Answer. I voted for W. C. Anderson, and my vote is challenged.
S. W. HUNTER.

Also the deposition of David Wallen, taken at the same time and place, being duly sworn :

By Anderson's attorney. Are you or not acquainted with Williams Boston, late of Wayne county?

Answer. I am.

By same. Did or not said Williams Boston move to your house in Clinton county last June, and did he or not remain with you until a short time before the election in August last?

Answer. He came to my house last June, and stayed there the most of the time until a few days before the late August election.

By same. Did he or not bring his clothing with him, and where was his washing done?

Answer. He did, and had his washing done at my house.

By same. Did he or not, a short time before the election, count up the number of days he would have been at your house against the day of the election, and find that it lacked a few days of sixty ; and did he not then for the first time find he couldn't vote in Clinton county, and then did he or not pack up his clothes and go back to Wayne with the avowed purpose of getting a vote there?

Answer. He, a few days before the election, got to counting up the time that he would be in Clinton against the election, and found that it would not be quite sixty days, (the time required by law ;) he then found out that he could not vote in Clinton by a few days, and went back to Wayne, and said he was going to vote in Wayne.

By same. Did he or not still let his clothes remain at your house after he went to Wayne?

Answer. Yes, sir.

By same. Is or not said Williams Boston the same that had a family difficulty with Thomas Lair, in Wayne, just before he came to your house?

Answer. Yes, sir; I suppose he is the same man that had a family difficulty with Thomas Lair; said Williams Boston told me that he had had such a difficulty with said Thomas Lair, who lived in Wayne.

By same. Did he or not come back to your house shortly after the election, and has he or not made that his home ever since?

Answer. He came back to my house in Clinton county, Kentucky, shortly after the election, and has made that his home ever since. He was sick when he came, and has been unable to work since that time, with the exception of about two weeks. He told me the other day that he was going to Wayne on Tuesday to do some work for Genama Young, to whom he owed some money; he said that when he was up there he had cut his foot, and had to stay with her until it got well, and had incurred a board bill with her.

By same. Is he or not a young man without family?

Answer. His wife has been dead about a year. He has two children, one at my house for the last eight months, the other was at John Twiford's, in Wayne, about two weeks ago.

By same. Are you or not acquainted with John Criswell? If so, describe him.

Answer. I am acquainted with John Criswell; he has a circular scar on one of his cheeks, black hair, and about five feet eight inches high.

By same. Did or not said John Criswell live last spring at his brother's, on the headwaters of Beaver creek, in the South Fork or fourth voting precinct in Wayne county?

Answer. He had a brother living on the headwaters of Beaver creek, Wayne county, in the South Fork or fourth voting precinct in Wayne county; said John had a horse that he kept there; he spent part of his time at his brother's; he would work about at shingle-making at different times; he came down here some two or three times before the election, and stayed three or four weeks at one time making shingles for Mrs. Noland and covering her house, of this county; I don't know how long he stayed the other trips; he always claimed Wayne county as his home.

By same. Did he or not tell you that when not employed at work he made his brother's, in Wayne county, his home?

Answer. No, sir; not that I recollect of.

By same. Do you know of any place in Wayne county at which he stayed, unless it was when he was for the time being at work?

Answer. I know of no particular place at which he stayed in Wayne or Clinton when he was not engaged at work, except at his brother's, as before stated; I don't know that he even worked for his brother when staying there.

By same. Did you or not vote for J. S. Chrisman for Congress in the late August election?

Answer. I did.

Cross-examined.

By Mr. Chrisman's attorney. Was or not the said Williams Boston born and raised in Wayne county, Kentucky?

Answer. I expect he was ; he was there and very small the first time I ever saw him, and was raised there from that time.

By same. Did or not his parents reside there in Wayne, and raise him there?

Answer. They did.

By same. Did he or not always claim Wayne county as his home?

Answer. He has with the exception of about one year, during which time he lived in Missouri ; I suppose he went to Missouri about seven years ago, and remained there about one year ago and came back.

By same. When he came to your house last June did he bring anything with him except a very few clothes for his person?

Answer. He brought about two suits of clothes with him and nothing else.

By same. Did he or not come to your house with the intention of returning to Wayne county, Kentucky?

Answer. I think that was his calculation ; he said nothing to me about making my house his home, and made no arrangement with me to that effect.

By same. Did you or not regard his trip and stay with you as being a mere temporary stay?

Answer. Yes, sir ; I regarded it as temporary only.

By same. Does or not Genama Young, of whom you have spoken as residing in Wayne county, live in the town precinct, No. 1, of Wayne county?

Answer. She does, and did at the time he was there ; he was raised in what is now precinct No. 1 in Wayne county, Kentucky.

By same. Was he ever engaged in any work, business, or employment whatever at your house?

Answer. I don't think he has ; I don't think he has done any work since he has been down here ; he has done a little at my house in the way of getting fire-wood.

By same. Do you know that John Criswell, of whom you have spoken, ever had a home outside of the town precinct, No. 1, of Wayne county, in which he voted at the late August election?

Answer. I don't know that he has since said precinct was established, except he went to Texas several years ago, and was gone some three years ; he has been back three or four years, if not longer.

By Mr. Anderson's attorney. When Williams Boston came to your house before the election, did he say anything about where he was living?

Answer. He came there as I have stated in my deposition, and remained there until he made the calculation in regard to time and voting ; during his stay at my house he did not say where he was living ; he

spoke of the fuss that had gotten up between him and the Lairs ; I did not learn from him what his intention was in regard to returning.

By same. You will state in what part of Wayne county John Criswell was raised ?

Answer. His father and mother were living up on Beaver creek, in the South Fork precinct, No. 4, of Wayne county, when they died ; they lived at several place in same county before that time ; I think John Criswell's father lived in precinct No. 1, Wayne county, when John married and went to Dogwood, in said precinct ; he remained in town precinct until he went to Texas ; when he came back from Texas I don't know where he lived after that time, except, as I have stated in my deposition, that he worked about from place to place ; as I have before stated, I don't know what part of Wayne county was his home after his return from Texas.

DAVID WALLEN.

[J. S. Chrisman excepts to the reading of the foregoing deposition of David Wallen, because he hath had no notice of the time of his examination—no sufficient notice of any sort.]

Also the deposition of John Westmoreland, taken December 14, 1859, being duly sworn :

By Mr. Anderson's attorney. When and for whom did you vote at the late August election ?

Answer. I voted at Ill Will, fourth precinct of Clinton county, at the late August election ; I voted for W. C. Anderson.

By same. Is or not your vote challenged ?

Answer. It is I suppose.

By same. Are you not a man of family ?

Answer. I had a wife ; she died since the election.

By same. Where did you live before the election ?

Answer. I lived, before the August election, on G. K. Howard's land, across on the west side of the head of Ill Will creek ; my house in which I lived was and is in the Ill Will precinct, No. 4, of Clinton county, Kentucky.

By same. Did you or not go to Adair county awhile before the election ; if so, did you move or only go on a visit ?

Answer. About two weeks before the election, or a little over two weeks, myself and wife went to Adair county on a visit to see a sister of my wife who lived in Adair ; we remained there about a week and then returned home to the house above spoken of ; we started on Saturday and got back on the following Friday ; we did not move, nor had no idea of moving at that time ; we left our things under the care of Thomas Hay until we got home ; said Hay lived in the Ill Will, or fourth precinct.

By same. When did you move from the Howard place, and where are you now living ?

Answer. I staid, after my return from Adair, with my father, who lives in the Ill Will precinct, and still remain there ; after the death of my wife some two months, at her request, I took her things out to

Adair county and left them with her sister, who had charge of my wife's child ; the child was not mine, but born before our marriage.

By same. What is your father's name ?

Answer. John Westmoreland.

By same. How long had it been since you made a visit to Adair before the one you have spoken of ?

Answer. I had not been there before at any time ; my wife had not been there for three years before the time mentioned.

By same. Did you ever move to Adair county ?

Answer. No, sir ; I never did ; I never was in there only when I went on the visit mentioned.

Cross-examined.

By Mr. Chrisman. How far did Thomas Hay live from the house you lived in before you went to Adair county, as you have stated ?

Answer. About two miles and a half, as well as I can guess at it.

By same. Is Thomas Hay related to you or your wife ?

Answer. No, sir.

By same. Had you or not other neighbors who resided nearer to you when you started to Adair than Thomas Hay ?

Answer. Yes, sir ; I had closer neighbors.

By same. Where did your wife die ?

Answer. She died in Adair county, at Bill Swilivans.

By same. Did Bill Swilivan marry your wife's sister ?

Answer. Yes, sir.

By same. Is that the place you went to visit when you went to Adair ?

Answer. It was.

By same. How long did your wife lay sick before she died ?

Answer. Two weeks bedfast.

By same. How or by what conveyance did you go to Adair, and what things did you take with you ?

Answer. We went on foot and took no things only what we had on.

By same. Did you take any child or children ?

Answer. We took her own child along.

By same. How long after you got to Swilivan's was it before your wife was taken sick ?

Answer. It was about three or four weeks after the election, as well as I remember, that she was taken sick.

By same. Where was your wife the 1st of last August ?

Answer. She was in the Ill Will district at the time of the election, and I was with her ; we went to Adair again after the election.

By same. When you came back before the election, where did you come to ?

Answer. I came to my brother's house by Thomas Busky's, in Ill Will.

By same. How long did you then stay at your brother's house ?

Answer. I staid there five or six days.

By same. On what day of what month was it when you arrived at your brother's house, as aforesaid ?

Answer. I believe it was in August, about the 1st, as well as I remember.

By same. When you left your brother's where did you go next?

Answer. I went back to Adair county, and the next day came back and have been here ever since.

By same. Did your wife go this last trip with you?

Answer. No, sir; she was dead before I made the trip last mentioned; I staid all night and returned next day; this was better than two months since the election.

By same. When you came back from Adair after the the first trip you made there where did you come to, and how long did you remain at the place to which you came?

Answer. I came back from my first trip to the old man's, my father's, and staid there about seven days, as far as I can remember now.

By same. Where did you then go next?

Answer. I next went back from my father's to Adair county.

By same. How long did you stay in Adair on your second visit last mentioned?

Answer. I staid over two months, or something like that.

By same. Was this second trip since or before the election?

Answer. It was since the election.

By same. You have stated that you staid six or seven days on your return from Adair with your brother; was your wife with you during that stay with your brother or not?

Answer. She was with me twice, but not the last time; she was with me the six or seven days mentioned in the question after the election.

By same. Was your wife with you during the seven days you staid at your father's upon your first return from Adair county, as you have stated?

Answer. We staid there, at my father's, one or two nights, then went and staid at Barn Blankenship's one or two nights, and then at Powell Page's one or two nights; this was all after the election.

By same. You have now already stated that your return after your first visit to Adair was to your father's in one answer, to your brother's in another answer, and to the same house you had before lived in answer to first question on that subject; now tell us which of those three answers are correct?

Answer. The first night after my return from Adair the first visit I came to my said brother's, and stayed all night; the next day I went on to my father's, and stayed there three or four days; I then went back on the ridge to Barn Blankenship's, Billy Hays', Powell Page's, and about in the neighborhood every place, almost all in the Ill Will district.

By same. In one answer you state that after your first visit to Adair you returned to your brother's first in Clinton county, and stayed six or seven days; you now answer that on said return to your brother's you only stayed one night; which of these answers is true and which false?

Answer. The first time I returned from Adair county I returned to

my said brother's, and stayed six or seven days, as I first stated in the cross-examination.

By same. How many trips did you make to Adair county in all?

Answer. I didn't make but two me and my wife together ; I made one by myself.

By same. How many of these trips was before the late August election?

Answer. We made one before the election.

By same. What was your reason for not returning to the Howard house if you did not intend moving to Adair county?

Answer. Me and Howard sort of fell out ; I rented a place from Jesse Alston.

By same. Had your wife no other business the second trip only to see her same sister again ; if so, what other business?

Answer. She had no other business only to see her same sister which she first went to see, and to let her know that we were going to make our home here in Clinton county, and to tell her said sister to still keep her child.

By same. Had or not the child been there with your wife's sister all the time after the first trip you made?

Answer. It had.

By same. How long were you back from Adair before you voted?

Answer. Five days before the election.

By Mr. Anderson's attorney. After you fell out with Howard did you or not rent a place of Alston in the Ill Will precinct?

Answer. I did.

By same. When you went to Adair and stayed two months, were you or not detained in Adair by reason of your wife's sickness?

Answer. It was my wife's sickness that detained me so long in Adair.

By same. Had you or not rented the Alston place before you went to Adair the time your wife was taken sick?

Answer. I had rented the place to make a crop before we went to Adair the time she was taken sick ; we intended to come back to that place, but her death prevented it.

his
JOHN. X WESTMORELAND.
mark

Also the deposition of Harvey R. Ryan, taken at same time and place, being sworn :

By Mr. Anderson's attorney. Were you or not the clerk of the election at precinct No. 1 of Clinton county at the late August election?

Answer. I was.

By same. Are you or not acquainted with Jesse Sidwell? If so, did he or not vote at the late August election at the first precinct, and for whom did he vote for Congress?

Answer. I am acquainted with Jesse Sidwell ; he voted at the late August election at precinct No. 1, Clinton county ; he voted for Wm. C. Anderson for Congress.

By same. Did you or not record his vote at the time he voted for W. C. Anderson for Congress?

Answer. I did.

By same. Was he or not sworn before voting?

Answer. He was, according to my recollection.

By same. Did he or not swear that he had lived in the precinct for more than 60 days before the election, and in the State for more than two years? Give the substance of his oath.

Answer. He stated on his oath that he had rented a house of James S. Brown, which house was in precinct No. 1 of Clinton county, and that he had moved himself and mother into said house more than sixty days before the election. He further stated that a few days before the election, while he was gone to mill, his mother, without his knowledge or consent, had left the place and taken her things with her, and gone back into the Ill Will district. He said when he heard that his mother was gone, he did not return to the house, but knocked about in the neighborhood, in Ill Will precinct, No. 4, where his relations lived. He further stated, however, that he considered that house his home until his time of renting was out, which he said was in the fall, and that he considered that place as his home.

By same. Did or not the judges of said election take other proof, and then let him vote?

Answer. They did, either before or after he voted.

By same. Did or not said judges, one or two hours after the vote was recorded, direct you to strike his vote off?

Answer. About one hour after the vote was recorded, and after the taking of other votes, Jesse Sidwell came to the polls and requested that his vote might be stricken off, and by the direction of the judges I erased his vote from the poll-books.

By same. Does or not said vote stand erased from the book now before you?

Answer. I have the poll-book before me, and find his vote erased from Anderson's column, and all others for whom he voted. His vote is not counted in the addition at the foot of the column.

By same. Had he not been living for years in Clinton county?

Answer. He was probably raised in the county. I have seen him in said county for several years past.

HARVEY R. RYAN.

Also the deposition of William Harper, taken at the same time and place, to be read and used for the purposes mentioned in the caption:

Question by Anderson's counsel. State whether or not you are acquainted with A. J. York; if so, where and for whom did he vote for Congress at the recent August election in district No. 3?

Answer. I am acquainted with him. I heard him vote; he voted for Anderson for Congress.

By same. State whether or not you were sheriff of the said election at that precinct, and if you did not so cry his vote.

Answer. I was, and cried his vote for the democratic ticket through, except that he voted and I cried him for Anderson.

By same. State if there was not a good deal of excitement over his

vote, and did or not that fact impress upon your memory the fact that he voted for Anderson?

Answer. There was excitement over his vote in the race for Congress, and that impressed upon my memory the fact that he voted, and that I cried his vote for Anderson. I am positive he did so vote.

By same. Is or not his vote recorded on the poll-books for Boles and Hoskins both; and were they or not both candidates for the State Senate, and opposed to each other?

Answer. I think his vote is so recorded. They were both candidates for the office of State senator. His vote is not recorded for Anderson. I think Anderson's column was next to Hoskins' on the poll-book.

WILLIAM HARPER.

STATE OF KENTUCKY, *Clinton County, ss:*

I, William Vann, presiding judge of the Clinton county court, it being a court of record, do certify that the foregoing depositions of P. H. Smith, Francis Irwin, B. F. Burchett, Montgomery Howard, J. W. Manon, W. A. Sidwell, Allen Smith, E. C. Smith, Joshua L. Chilton, John S. Stockton, James C. Hancock, S. W. Hunter, William Harper, David Wallen, John Westmoreland, Harvey R. Ryan, and others, all contained in the foregoing record of one hundred and nine pages, were taken before me on the twelfth, thirteenth, and fourteenth days of December, 1859, at the court-house in the town of Albany, Clinton county, Kentucky, to be read and used for the purpose mentioned in the caption of the deposition of P. H. Smith, (page one), each of said witnesses being by me first duly sworn, testified as shown in their respective depositions, which were reduced to writing in my presence and the presence of the witnesses respectively, and read to them respectively in my presence, and by them respectively subscribed in my presence, at the time and place aforesaid. W. C. Anderson and James S. Chrisman were neither present. They both had agents and attorneys present, who represented the parties, examining and cross-examining the witnesses. J. E. Hays represented J. S. Chrisman, and H. S. Taylor, M. H. Owsley, and E. L. Van Winkle represented W. C. Anderson. Given under my hand this December fourteenth, 1859.

WILLIAM VANN, *P. J. C. C. C.*

STATE OF KENTUCKY, *Clinton County, ss:*

I, C. P. Gray, clerk of the county court of Clinton county, do certify that William Vann, whose genuine signature appears above is, and was at the time of signing the same, presiding judge of the Clinton county court, duly commissioned and qualified as such, and that his official acts as such are entitled to full faith and credit. Given under my hand and seal of office this fourteenth of December, 1859.

C. P. GRAY, *Clerk.*

Taxation of costs.

Witnesses claimed nothing.

Sheriff's costs, four notices.....\$1 00

Forty-nine subpoenas, at twenty cents..... 9 80

Judge's costs, three days	\$7 00
Issuing three subpoenas, at twenty cents.....	60
Clerk's seal	50
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WM. VANN, *P. J. C. C. C.*

WILLIAM C. ANDERSON :

SIR : You are notified I will appear before the House of Representatives of the Congress of the United States at their next session, and contest your right to a seat as a member of that body for and during the 36th Congress of the United States for the fourth congressional district of the State of Kentucky, claiming that at the election held in said fourth congressional district for the State of Kentucky on the first day of August, 1859, for member of Congress to represent said district for and during the 36th Congress of the United States, I was duly and lawfully elected, by the legal vote of the people, qualified to vote, to said office. Your right will be contested on the following grounds :

1. A majority of the votes polled at said election between us were for me and against you. By a mistake made by the county board for examining poll-books for the county of Cumberland in said district, they certified to the State board a smaller number of votes for me than I actually got, and a larger number of votes for you than you actually got at said election in said county of Cumberland ; and although in due and proper time this mistake was corrected by an amended and supplemental certificate and return of the county board duly transmitted to the State board, the latter, in their canvass and estimate of the votes of said district in said election, had no regard to the said amended certificate, and improperly and unlawfully disregarded the same, when, if it had been regarded, my majority would have been SEVEN votes, according to the face of the poll-books as they stand.

2. I received a majority of the legal votes polled at said election between us in said congressional district.

3. Divers votes were, by fraud or mistake of the officers of the election, recorded on the poll-books *for you*, when such votes had been actually cast *for me*.

4. Divers voters who came to the polls at divers voting places in the district, being good voters, legally qualified and entitled to vote, desiring and offering to vote for me, were improperly and unlawfully denied by the officers of the election the right of voting, and rejected and unlawfully prevented from voting when they would have voted for me.

5. Divers persons not qualified by law, some by reason of not having resided sixty days in their voting precinct next before the election, one year in the county, or two years in the State ; others by reason of not being free white male citizens over twenty-one years old, as required by the constitution and laws of Kentucky, at the various

voting places in the district, and at each voting place in said district, were unlawfully permitted to vote *for you* against me in said election.

6. Divers persons were unlawfully permitted to vote TWICE for you at the same election. Persons who voted for me were, by fraud or mistake, recorded for both of us.

7. Persons were unlawfully permitted to vote for you who were disfranchised and deprived of the right of suffrage by reason of having been convicted of high crimes and misdemeanors.

8. Persons who were not citizens of the United States were unlawfully permitted to vote for you against me in said election.

9. Certain poll-books of said election, and particularly the poll-book of district No. 1, in the county of Boyle, have been fraudulently altered, mutilated, and changed since the election, and since they were certified and delivered by the officers of the election, and prior to the issuing of the certificate to you by the State board, whereby your vote was apparently increased and mine diminished.

10. Legal voters voted for me at said election, and after their votes had been recorded for me their names and votes were unlawfully and improperly stricken from the poll-book.

11. All the votes recorded for me at the various voting places in said district at said election were legal and qualified voters, and their vote for me rightly recorded.

12. I object to, challenge, and insist upon striking off the following named persons, whose names are recorded on the poll-books of the various voting places in said district at said election, and for the reasons assigned next to the names of each, to wit:

Ivory Thompson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

C. Timmy, jr.—Because he is a foreigner by birth and not a citizen of the United States, not having been naturalized.

Enoch Phelps—Because he was not a resident of the precinct in which he voted, at the time he cast his vote.

Abraham Mounce—Because he was not twenty-one years of age at the time he voted.

Joseph Wallen, jr.—Because he was not twenty-one years of age at the time he voted.

W. M. Adams—Because he did not reside in the county or precinct at which he voted, when his vote was cast.

Wm. Gibson—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

W. F. *alias* Frank Patterson—Because of the same reasons as last above stated.

E. McNair—Because of the same reasons as last above stated.

Richard Burnett—Because of the same reasons as last above stated.

Wm. Mounce—Because of the same reasons as last above stated.

Peter Waddle—Because he was not twenty-one years old at the time he voted.

Randolph Meridith—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

A. L. McGhee—Because of the same reasons as last above stated.

R. Phelps—Because of the same reasons as last above stated.

Tyre Turpen—Because of the same reasons as last above stated.

A. E. Massey—Because he was not twenty-one years of age at the time he voted.

James Massy—Because of the same reason as last above stated.

William Davis—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

John Fenston—Because of the same reasons last above stated.

Benjamin F. Taylor—Because of the same reasons last above stated.

Bales Baugh—Because he was not twenty-one years old at the time he voted.

Nelson Davis—Because he was not a resident or citizen of the State, county, or district in which he voted, for the period of time required by law.

James Lowe—Because he was not twenty-one years of age at the time he voted.

David Lowe—Because of the same reason as last above stated.

William Massengal—Because he was not twenty-one years of age at the time he voted.

William Crabtree—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Shadrack Blevins—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Joseph Roberts—Because he was not twenty-one years of age at the time he voted.

Isaac Harden—Because he was not a resident of the State, county, or precinct at which he voted, for the period of time required by law.

Elijah Spradlen—Because of the reasons last above stated.

Harden Stevens—Because he was not twenty-one years of age at the time he voted.

George Sumpter—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

John Horton—Because of the same reasons last above stated.

Carey Abner—Because of the same reasons last above stated.

Bartholomew Lawson—Because of the same reasons last above stated.

James Lawson—Because of the same reasons last above stated.

John Rollens—Because he was not twenty-one years of age at the time he voted.

J. H. D. Floyd—Because of the same reason last above stated.

Simeon Marcum—Because he did not reside in the State, county, or district in which he voted, for the time required by law.

P. H. Clark—Because he is not a free white man, is of mixed blood, being at least one-fourth of African or negro blood.

S. W. Hunter—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

Lewis Gwinn—Because of the same reasons last above stated.

George Westmoreland—Because of the same reasons last above stated.

John Westmoreland—Because of the same reasons last above stated.

Anderson Maynard—Because of the same reasons last above named.

James C. Hancock—Because of the same reasons last above stated.

Joseph C. Pace—Because of the same reasons last above stated.

Thomas Rhodsmend—Because of the same reasons last above named.

John Hardeson—Because he was not twenty-one years of age at the time he voted.

Thomas A. Vaughn—Because he was convicted, sentenced to and confined in the Kentucky penitentiary for larceny, by the judgment of the circuit court of Cumberland county in 1856, and thereby disfranchised.

Joseph Brummett—Because he was not twenty-one years of age when he voted.

James M. Cloyd—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James Brummett—Because of the reasons last above stated.

G. F. Dowell—Because he was not twenty-one years of age, and not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

J. M. Glidewell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

Burton Smith—Because of the same reasons last above stated.

William Sevier—Because he was not twenty-one years old when he voted.

Thomas Roy—Because he was not twenty-one years old when he voted.

William Wright—Because he was not a resident of the county or district in which he voted.

Jesse Dulley—Because he lives, and at the time he voted did live, in Barren county, not in the district; and because he voted both in the Elliott precinct, in Cumberland, and at "Harmony," in Adair.

Wiley Summers—Because he was not twenty-one years of age at the time he voted.

James B. Elder—Because he was not a resident of the State, county or precinct in which he voted, for the time required by law.

William Bacon—Because of the same reasons last above stated.

R. W. Stephenson—Because of the same reasons last above stated.

George Beddow—Because of the same reasons last above stated.

Samuel D. Barnet—Because of the same reasons last above stated.

James Patton—Because of the same reasons last above stated.

Joseph McNull—Because of the same reasons last above stated.

James Bless—Because of the same reasons last above stated.

Alexander Martin—Because of the same reasons last above stated.

Pink Grady—Because he was not twenty-one years of age at the time he voted.

B. F. White—Because of the same reason last above stated.

Isaac Graham—Because he was not a resident of the State, county, or district in which he voted, for the period of time required by law.

R. Mary—Because of the same reasons last above stated.

Charles King—Because of the same reasons last above stated.

William Tuggle—Because of the same reasons last above stated.

H. L. Carpenter—Because of the same reasons last above stated.

A. J. Reynolds—Because of the same reasons last above named.

Joseph Williams—Because of the same reasons last above named.

A. F. Merriman—Because of the same reasons last above named.

G. W. Nelson—Because of the same reasons last above named.

J. H. Cranch—Because of the same reasons last above named ; and because he was convicted, sentenced, and confined in the penitentiary of Tennessee for felony, and thereby disfranchised.

James W. Banks—Because he was not a citizen of the State, county, or precinct in which he voted, for the time required by law.

James Nell—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

James P. Wright—Because of the same reasons last above named.

A. B. Cox—Because of a total absence of every qualification required by law.

William S. Matthews—Because he was not a resident of the county or precinct at which he voted, for the time required by law.

Francis Wright—Because he was not twenty-one years of age when he voted.

William Rakes—Because he was not a resident of the State, county, or precinct in which he voted, for the time required by law.

William T. Martin—Because of the same reasons last above stated.

Robert Buchanan—Because of the same reasons last above stated.

John Griffin—Because of the same reasons last above stated.

Elisha Berry—Because of the same reasons last above stated.

W. A. Wood—Because of the same reasons last above stated.

Preston Satterfield—Because he was not twenty-one years of age at the time he voted.

Stephen Wilson—Because of the same reason last above stated.

Jesse Wright—Because he was not a resident of the State, county, or precinct in which he voted, for the period of time required by law.

William Collins—Because of the same reasons last above named.

Nathan Lawhorn—Because he was convicted, sentenced, and confined in the Kentucky penitentiary for felony, and thereby disfranchised.

G. M. Brown—Because he was not twenty-one years of age when he voted.

T. W. Lukins, *alias* Lumpkins—Because of the same reasons last above assigned.

T. R. Tucker—Because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

V. P. Moore—This voter voted for me ; but, by mistake of the clerk, his vote was recorded for both of us. I shall claim that his vote be counted for me, and erased from your poll.

The following persons voted for me, and their votes so cried by the sheriff, but the clerk omitted to record them for me :

William Davis, Jackson D. Richardson, William R. Cumbass. I shall claim that their names be added to the list of persons voting for me.

Wiley Turner—I shall also claim that the vote of Wiley Turner be added to the list of those voting for me, because, after he had so voted, the judges and clerk of the district at which he voted, erased his name and vote without just reason ; he being a legal voter.

Anderson Hare—I shall also claim that the vote of Anderson Hare be counted for me, he having offered and demanded to vote for me, but was refused by the judges without good reason, he being a legal voter.

I shall also object to, challenge, and insist upon striking off the votes of the following other persons whose names are recorded on the poll-books of the various precincts in said district at said election, and for the reasons assigned next to the names of each, to wit:

John Surcy—Because he did not reside in the State, county, or precinct in which he voted for the time required by law.

William Beasley—Because he did not reside in the State, county, or precinct in which he voted, for the time required by law.

George Tate—Because of the same reasons last above stated.

Benj. Bruner—Because of the same reasons last above stated.

George N. McNeil—Because of the same reasons last above stated.

C. C. McClure—Because of the same reasons last above stated.

James T. Haley—Because of the same reasons last above named.

E. Preston—Because of the same reasons last above named.

Zachariah Price—Because of the same reasons last above named, and because he was not twenty-one years of age when he voted.

Edward Jones—Because he is an idiot and incapable of voting.

George D. Masonheimer—Because he did not reside in the county or precinct in which he voted, for the time required by law.

Lee Yager—Because of the same reasons last above named.

I shall also claim and insist that the votes of the following named persons, who are recorded as having voted *for you*, be counted *for me*, and added to *my poll*, because in fact they voted for me, and by mistake of the clerk or otherwise they are made on the poll-books to vote for you, viz:

Nelson Pendergast, Nat. Harmon, Geo. W. Crane, George Jones, Samuel Leffew.

I shall also object to and insist upon rejecting the poll-books and all the votes recorded at the Ireland precinct in the county of Taylor, because the officers of said election, who conducted and held the same, nor either of them, were sworn according to law, nor was the said poll-book certified by the officers as required by law.

I shall also object to and insist upon rejecting the poll-book and all the votes given at the 7th district in the county of Wayne, for the same reasons as last above assigned.

JAMES S. CHRISMAN.

DANVILLE, *September* 19, 1859.

STATE OF KENTUCKY, TO WIT:

The undersigned, Wm. R. Taylor, states that he delivered to William C. Anderson, the person to whom the within and foregoing notice is addressed, a true copy of the said notice on the 20th day of September, 1859.

W. R. TAYLOR, *M. T. D.*

Sworn to by the above-named subscriber before me, clerk of the Boyle county court, this 20th September, 1859.

JAMES F. ZIMMERMAN; C. B. C. C.

JAMES S. CHRISMAN:

SIR: I have received a paper purporting to be a notice contesting my right to a seat in the 36th Congress of the United States from the fourth district of Kentucky. You are notified that I shall object to the said notice, and ask for its quashal upon the following grounds:

First. It does not give the residence of the voter who is challenged.

Second. It does not give the county or precinct in which the vote was cast.

Third. It does not state particularly the grounds upon which you rest the contest, as required by the act of Congress.

In response to paragraph No. 1 in your pretended notice, I deny that the majority of the votes polled at the August election, 1859, were given for you.

I deny that, by a mistake made by the county board of Cumberland county, you received a smaller number of votes than were really cast for you, and I a larger number than were cast for me. I state the facts to be as follows: The poll-books of Cumberland county were certified, (although some of them illegally, of which I shall speak hereafter,) sealed, and delivered as required by the law entitled "*Elections*," *Revised Statutes of the State of Kentucky*, pages 283 to 303, inclusive. The said poll-books were opened at the time required by law, and by the proper officers, and certificates of the votes cast were duly transmitted to the State board at Frankfort, and upon a comparison of the vote sent the said State board, upon all the returns sent in, according to law, at the proper time, awarded me the certificate of election. Before the said certificate was granted the result was published in the public newspapers, by which I received a majority of three votes, and so soon as said publications were made, it was pretended that a mistake of ten votes had been made against you at the Kettle Creek precinct, in Cumberland county. It is true that an amended certificate, signed by only two of the examiners of Cumberland county, was sent to the State board at Frankfort, and they refused to receive the same, upon the ground that the county board had no right to re-assemble after the time fixed by law, and amend a certificate once transmitted and made out at the proper time; they were, to all intents and purposes, *functus officio*. Before, however, the amended return was sent from Cumberland county, a mistake, to my prejudice, of four votes, was discovered on the poll-books of Boyle county, and an amended return, stating this fact, transmitted by the county board of Boyle to the State board at Frankfort; and when this fact was made public in the district that such an amendment had been sent, nearly every democrat in the community, and yourself included, stated that it would be a gross outrage for the State board to receive additional

returns after the official vote had once been sent in. It was then supposed that the vote between us was a tie; and by the laws of Kentucky in such cases, the casting of lots was required, and your chances for an election would have been equal with my own. When you and your friends, however, heard of this pretended mistake in Cumberland, you shifted positions, and contended that the board ought to receive amended returns. "The case being altered, altered the case." I contend that the State board at Frankfort acted lawfully and properly, and I refer you to their published statement, signed by the governor, secretary of State, and attorney general of Kentucky.

I do not know, and do not admit, that the mistake that you complain of occurred. It may be true, according to the books as they now stand, that such a mistake was made, but it is exceedingly strange that the mistake was not discovered for nearly two weeks after the comparison of the polls, and that comparison, too, made in the presence of a number of your friends, who aided in the addition of the books, and also after it was ascertained from the returns sent in that I was elected by a majority of three votes. If, however, the mistake really did occur, I notify you that mistakes of a similar character, and others of a different character, were made against me, of which I will speak more particularly hereafter. I deny the charges made in paragraph No. 1 of your pretended notice.

I deny the charges in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of your said notice.

I deny that the persons you have named as voting for me were illegal voters, as I will make fully to appear by the proof in proper time.

I shall, upon the trial of the contest, challenge and insist upon striking off the votes of the following named persons, recorded on the poll-books at various precincts in the district, and for the reasons set forth next to the name of each:

1. Henry M. Antle or Antell—who voted in White Oak district, in Adair county; because he lived in the county of Russell.

2. R. M. Barnard—who voted at White Oak district, in Adair county; because he had not been in the county, State, or precinct for the time required by law.

3. George Simpson—who voted at White Oak district, in Adair county; for the same reasons as above.

4. Ben. F. Allan—who voted at the Neatsville district, in Adair county; because he was a resident of and lived in the White Oak precinct.

5. Milton Polly—who voted at White Oak precinct, in Adair county; because he lived in the Harmony precinct.

6. Elijah Leach—who voted at White Oak precinct, in Adair county; because he was not a resident of said precinct for the term required by law.

7. James B. Royse—who voted at the Columbia precinct, in Adair county; because he lived at the time at Haysville, in Marion county.

8. William P. Royse—who voted at the Columbia precinct, in Adair county; for the same reason as above.

9. James Rayner—who voted at the Gradyville precinct, in Adair county; because he was not a resident of said precinct.

10. Wm. Woodard—who voted at the Gradyville district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required by law.

11. George Green—who voted at the Harmony district, in Adair county; because he was under twenty-one years of age.

12. James Jones—who voted at Neatsville district, in Adair county; or the same reason as above.

13. Jonathan McElroy—who voted at Harmony district, in Adair county; because he was not a resident of the county or precinct in which he voted for the time required.

14. George D. Redman—who voted at the White Oak district, in Adair county; because he was not twenty-one years of age.

15. William *alias* Peter Walkup—who voted at the White Oak district, in Adair county; because he was not a resident of said district for the time required by law, and in fact was a resident of the Harmony district.

16. I. N. Vaughn—who voted at the same place as above, and for the same reason as above.

17. Samuel Vier—who voted at Columbia district, in Adair county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

18. William Vier—who voted at the same place as above, and because of the same reasons as above.

19. Joshua Prewitt—who voted at the White Oak district in Adair county; because he was a resident of Neatsville district, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

20. Irvine Keaton—who voted at the Harmony district, in Adair county; because he was not a resident of the county or district in which he voted for the time required by law; in fact, he was a resident of the county of Cumberland.

21. Nathaniel Wade—who voted at Gradyville precinct, in Adair county; because he was not twenty-one years of age.

22. William J. Cooley—who voted at the Neatsville district, in Adair county; because he was not a resident of said district for the time required by law.

23. William Bryant—who voted at same place as above, and because of same reason as above.

24. Morgan Simpson, *alias* R. W. Simpson—who voted at Neatsville, in Adair county; because he was not twenty-one years of age.

1. Nicholas Walter or Walters—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted for the time required by law.

2. A. G. Talbott, jr.—who voted at precinct No. 4, Boyle county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

3. Charles Voss—who voted at district No. 4, Boyle county; because of the same reasons as last above named.

4. William Crow—who voted at district No. 3, Boyle county; for the same reason as last above named.

5. C. P. Springer—who voted at district No. 3, in Boyle county; because he was not a resident of the county or precinct in which he voted, and for the time required by law.

6. A. Fulkerson, jr.—who voted at district No. 2, in Boyle county; because of the same reason as last above named.

7. James Owens—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

8. Garrett Lane—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

9. Henry White—who voted at district No. 3, in Boyle county; because of the same reason as last above named.

10. Abel Reeves—who voted at precinct No. 3, in Boyle county; because of the same reason as last above named.

11. Samuel Goode—who voted in district No. 1, of Boyle county; because of the same reason as last above named.

12. James Brennan—who voted in district No. 1, of Boyle county; because he is a foreigner, and not a citizen of the United States.

13. John Haggin—who voted at district No. 2, of Boyle county; because of the same reasons as the last above named.

14. William Staley—who voted at same place; because of same reason as last above named.

15. Michael Maho—who voted at same place, and because of same reasons as last above named.

16. Patrick Conley—who voted at same place, and because of same reason as last above named.

17. Frank O'Neal—who voted at district No. 4, of Boyle county, and because of same reason as last above named.

18. James Fitzsimmons—who voted at same place; because of same reason as last above named.

19. Hearn Gee—who voted in district No. 1, in Boyle county; because he is an idiot.

1. James F. Alstott, *alias* Fletcher Alstott—who voted at Rolling Fork precinct, in Casey county; because he was not twenty-one years of age.

2. Michael McCarty—who voted at same place as last above named; because he was a foreigner, and not a citizen of the United States.

3. Isaac Roaten—who voted at Liberty precinct, in Casey county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

4. James Wilson—who voted at Liberty precinct, in Casey county; because of the same reasons as last above named.

5. J. E. King—who voted at the Jenkins district, in Casey county; because he was not 21 years of age.

6. John Henry Bryant—who voted at the Rolling Fork precinct, in Casey county; because he was indicted, convicted, and sentenced to the penitentiary from said county for felony, and served his time out in the penitentiary, and was thereby legally disfranchised.

7. Martin B. Blevins—who voted at the Tate district, in Casey county; because he was not a resident of said district for the time required by law; he was, in fact, a resident of the Jenkins district.

8. Commodore Minor—who voted at the Rolling Fork precinct, in Casey county; because he had, before the election, removed to Marion county, and was not a resident of the county in which he voted.

1. Thomas Stockton—who voted in district No. 4, Clinton county; because he was not a resident in the State, county, or precinct in which he voted for the time required by law.

2. James Johnson, jr.—who voted in district No. 1, Clinton county; because he resided in district No. 4 of said county.

3. John Lemans—who voted in district No. 3, Clinton county; because he was under 21 years of age.

4. John Hughes—who voted at district No. 2, Clinton county; because of the same reason as last above named.

5. Elijah Brown—who voted in district No. 5, same county, and for the same reason as last above named.

6. John Guthrie—who voted in district No. 1, Clinton county; because he lived at the time in district No. 3 of said county.

7. S. J. Vance—who voted in district No. 5, Clinton county; because he lived at the time in district No. 4 of said county.

8. Joshua Birdwell—who voted in district No. 2, Clinton county; because he lived in district No. 1 of said county.

9. George Wilkerson—who voted in district No. 2, Clinton county; because he was a foreigner, and not a citizen of the United States.

10. John Travis—who voted at same place as last above named, and because of same reasons.

11. David Gwinn—who voted at the Albany district, Clinton county; because he lived at the time in the Hays district of said county.

12. James Hare—who voted in district No. 3, Clinton county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

13. Calvin Givens—who voted at the Albany district, Clinton county; because he is *non compos mentis*, or, in other words, an *idiot*.

14. Frederick Greir—who voted at the Piney Woods district, Clinton county; because he is a foreigner, and not a citizen of the United States.

1. Samuel Sparks—who voted at Burksville precinct, Cumberland county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. James H. Bird—who voted at same place, and for same reasons as last above named.

3. Henry Smith—who voted at same place, and for same reasons as last above named.

4. John Niel—who voted at same place, and for same reasons as last above named.

5. Ben. Farmer—who voted at same place, and for same reasons as last above named.

6. G. J. Furkin—who voted at same place, and for same reasons as last above named, and because he lived at the time in the Elliott district of said county.

7. John Wright—who voted at same place, and because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

8. J. W. Poulsen—who voted at Kettle Creek precinct, Cumberland county; because of the same reasons as last above named.

9. Jacob Dulworth—who voted at same place, and for same reasons as last above named.

10. A. J. Wilkerson—who voted at Whetstone district, Cumberland county; because he resided at the time in Adair county.

11. John Cooksey—who voted at same place; because he resided at the time in Clinton county.

12. John Johnson—who voted at the Kettle Creek precinct, Cumberland county; because he was not 21 years of age.

13. Henry Givens—who voted at the Whetstone precinct, Cumberland county; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

14. James Smith—who voted at the Kettle Creek precinct, Cumberland county; because he had not been in the State or county the time required by law, and because he was at the time a resident of Tennessee.

15. Alfred Scott—who voted at same place, and for same reasons as last above named.

16. John Powell—who voted at the Elliott district, same county; because he was not a resident of the State, county, or district in which he voted for the time required by law.

17. Humphrey Krider or Crider—who voted at the Elliott district, Cumberland county; because he was not 21 years of age.

1. Sam. Powell—who voted at Stanford, Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

2. John Severance, jr.—who voted at Crab Orchard precinct, Lincoln county; because he was not at the time a resident of the county or precinct in which he voted.

3. Stephen Blankenship—who voted at same place as last above named; because he was at the time a resident of the Walnut Flat district.

4. J. T. Waterhouse—who voted at same place as last above named; because he had not been a resident of the State, county, or precinct in which he voted for the time required by law.

5. G. Payne—who voted at Crab Orchard precinct, Lincoln county; because of the same reasons as last above named.

6. Wesley Davis—who voted at same place, and because of same reasons as last above named.

7. Stout Higgins—who voted at the Walnut Flat precinct, in Lincoln county; because he had lost his citizenship in said district, and because he had not been in the State, county, or district in which he voted for the time required by law.

8. William Sylar—who voted at Waynesburg, in Lincoln county; because he was not a resident of the State, county, or precinct in which he voted for the time required by law.

9. James Stout—who voted at same place, and because of same reasons as last above named.

10. Zach. Cook—who voted at same place, and because of same reasons as last above named.

11. Levi Cotton—who voted at Turnersville precinct, in Lincoln county; because he was not a resident of said precinct, and because at the time he actually lived in Casey county.

12. Cornelius Campbell—who voted at Hustonville, in Lincoln county; because he was a foreigner, and not a citizen of the United States, and not a resident of the State, county, or precinct in which he voted for the time required by law.

13. John Sherron or Sherrondon—who voted at same precinct as last above named; because he was not 21 years of age.

14. Charles McWilliams—who voted at same precinct as last above named; because he was not a resident of the county or precinct in which he voted for the time required by law, and because he was at the time a resident of Fayette county, Kentucky.

15. Adam Petree—who voted at Crab Orchard, in Lincoln county; because he was not 21 years of age.

16. Jesse Haythe—who voted at Waynesburg, in Lincoln county; because he had, before the election, removed to Rockcastle county, and was not a resident of the precinct in which he voted.

1. S. E. Reed—who voted at Creelsboro' district, in Russell county; because he had not been in the State, county, or precinct the time required by law.

2. James M. Luster—who voted at same place; because of same reasons as last above named.

3. Silas *alias* Cyrus Collins—who voted at same place, and because of same reasons as last above named.

4. Albert McDowell—who voted at precinct No. 1, in Russell county; because he was at the time a resident of precinct No. 2, in said county.

5. William Sharp—who voted in Jamestown precinct, in Russell county; because he was not at the time a resident of said precinct.

6. Elijah Low—who voted at Wolf Creek precinct, in Russell county; because he had not been a resident of the State, county, or precinct for the time required by law.

7. Lindsey Brummett—who voted at Lairsville precinct, in Russell county; because he lived at the time in Clinton county.

8. James P. Miller—who voted at Creelsboro', in Russell county; because at the time he was a resident of Adair county. The acts of the general assembly of the State of Kentucky for 1825, make the house in which said Miller resides in Adair county.—(See pages 40 and 41.)

9. Allen Bybee—who voted at Creelsboro', in Russell county; because he was at the time a resident of Clinton county.

1. William Redding—who voted at Saloma precinct, in Taylor county; because he had not been a resident of the State, county, or precinct the time required by law, and because he refused to be sworn.

2. William Sullivan, jr.—who voted at same place, and for the first reason last above named.

3. James H. Ratliffe—who voted at the Little Pinchem district, in Taylor county; because of the same reason last above named.

4. Frank Rhodes—who voted at Mannsville district, in Taylor county; because he was not 21 years of age.

5. Marion Peterson—who voted at Campbellsville precinct, in Taylor county; because he had not been a resident of the State, county, or precinct for the time required by law.

6. Milton Simpson—who voted at Little Pinchem precinct, in Taylor county; because of the same reasons as last above named.

7. Henry Shaffner—who voted at same place last above named; because he was not 21 years of age.

I deny that William Davis, and Jackson D. Richardson, and Wm. R. Cumbass, voted for you, and were so cried by the sheriff, and that the clerk omitted to record them for you; but I state that the same were properly recorded.

I deny that the judges and clerks of the election at the district in which Wiley Turner voted, erased his name and vote without just reason.

I deny that the judges, without good reason, refused to receive the vote of Anderson Hare.

I deny that upon the poll-books the names of Nat. Harmon, Geo. W. Crane, and Samuel Leflien are recorded for me; but they voted and are recorded for you. The vote of Nelson Pendegraft is recorded for me, and I state that he so voted, and that his vote was so recorded by the clerk at the time.

I deny that George Jones voted for you. I state that he voted for me at the polls, and was so recorded.

I deny that the poll-book of the Ireland precinct, in Taylor county, is improperly certified; and also deny that the officers of said precinct were not sworn according to law.

I also deny that the poll-book of district No. 7, in Wayne county, was improperly and illegally certified.

You are hereby notified that I shall object to, and insist upon rejecting, the poll-book, and the votes therein recorded, of the Casey Creek precinct, in Casey county, because there is no certificate whatever upon said book. At said precinct the vote stood, Anderson, 49; Chrisman, 95.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Harmony district, in Adair county, because the same is not certified as required by law. At said precinct the vote stood, Anderson, 37; Chrisman, 230.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of the Mannsville district, in Taylor county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-book, and the votes thereon recorded, of Whetstone precinct, in Cumberland county, because the same was not certified as required by law.

I shall also object to, and insist upon rejecting, the poll-books of all the precincts in Wayne county, because they were never sealed up and delivered to the clerk as required by law; and if so delivered, were broken open before the time fixed by law. And also, because the said poll-books were in your possession, and inspected by you and your political friends, before the day fixed for the comparison of the polls.

I shall object to, and insist upon rejecting, all the poll-books of Taylor county, because the same were not sealed and delivered according to law; and if so sealed and delivered, the seals were broken and the books opened before the day fixed by law for the comparison.

I shall also object to, and insist upon rejecting, all the poll-books of Green county, because the same were not certified, sealed, and delivered according to law; and if so certified, sealed, and delivered, the seals were broken open on Tuesday night next after the election, (by your democratic friends,) and before the comparison.

I shall insist upon counting in my favor the following votes, which were cast for me, and omitted to be recorded by the clerk :

Richard Pendegraft—who voted at district No. 1, Boyle county.

Henson Pendegraft—who voted at the same place.

David Wells—who voted at Burksville precinct, Cumberland county.

Bethel Compton *alias* B. Compton—who voted at Gradyville precinct, in Adair county.

A. J. York—who voted at district No. 3, in Clinton county. His name is recorded for Wm. A. Hoskins, a candidate for the State senate, instead of for Anderson for Congress—his name being recorded for Hoskins and Boles, who were both candidates for the senate.

I shall insist upon striking from your poll, and adding to my own, the vote of—

J. T. Reynolds—who voted in district No. 3, in Boyle county. He voted for me, and his vote, by mistake of the clerk, is recorded for you.

James Janes—who voted at Gradyville precinct, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

Cyrus Judd—who voted at the White Oak district, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon striking from your poll the vote of—

Samuel M. Baker—who voted at Columbia, in Adair county. He voted for me, and his vote, by mistake of the clerk, was recorded for you and me both.

M. Rhyne, F. L. Thomas, A. Polston, Ben. Austin, J. C. Williams, J. C. Cundiff, W. S. Baldock, W. J. Jones, Bird Russell, J. Abshear—all of whom voted at the Tate precinct, in Casey county, and their votes are recorded for you and me both, when they all voted for me.

William Curry—who voted at Columbia, in Adair county. He

voted for me, and his vote, by mistake of the clerk, was recorded for you.

I shall insist upon adding to my poll the names of the following voters, who were legal voters, and offered to vote, and were improperly and illegally rejected by the judges of election :

Charles B. Kirkland—who offered to vote at precinct No. 1, in Boyle county.

B. W. Moss—who offered to vote at precinct No. 2, in Boyle county.

Isaac F. Keys—who offered to vote at Greensburg, in Green county.

I shall also insist upon excluding the votes of the following named persons, who were permitted to vote after the time fixed by law for closing the polls, and after the polls had closed:

Frank Delaney—who voted at Crab Orchard precinct, in Lincoln county.

William Griffin—who voted at same place.

John Shelton, *alias* Chilton—who voted at Jamestown precinct, in Russell county.

I shall insist upon adding to my poll the votes of the following named persons, who voted for me, and were so recorded, and their votes stricken from the books by the judges of election, after said voters had left the polls, and were not recalled, and without their consent or approbation:

Archibald Sidwell—who voted in district No. 4, Clinton county.

Jesse Sidwell—who voted in district No. 1, same county.

W. A. Ellis—who voted at district No. 4, same county.

I shall insist upon rejecting the third page of the poll-book of precinct No. 5, in Russell county, because the same was not signed by the clerk as required by law; on that page the vote stood, Chrisman, 18; Anderson, 9.

I shall also insist upon striking from your poll the vote of Wm. R. Bowman; *alias* "Wm. Bowman," who voted in district No. 2, Boyle county, because said Bowman gave no vote in the congressional race, and by mistake of the clerk, his vote has been recorded for you.

I shall also insist on striking from your poll the vote of—

G. R. Vaught—who voted at the Somerset district, in Pulaski county; because the vote of the said Vaught was recorded, by mistake of the clerk, for you and myself both, when he voted for me.

I shall also insist upon rejecting the poll-book, and the votes thereon recorded, of the Bent district, in Pulaski county, because three of the officers who held the election in said district were of the same politics with yourself, and opposed to me in politics; when, by the laws of Kentucky, there should have been an equal division of officers if they could be found in the district; and I allege that there were enough voters residing in the district who agreed with me in politics to have filled said offices. I state that Joseph Randall, a judge; Greenup Meese, sheriff; and Willis J. Stogsdell, clerk of said district, are all democrats, and agree with you in politics, held said election at said district, and at the district the vote stood, Chrisman, 68, and Anderson, 2.

I shall also insist that the vote of Frank Harrison, who voted at the

Somerset precinct, in Pulaski county, be so changed as to give his vote to me alone. By a mistake of the clerk, he is put down as having voted for me and you both, when he voted for me alone.

You claim that at the Kettle Creek precinct, in Cumberland county, that a mistake of ten votes was made to your prejudice. If you receive the benefit of such pretended mistake, and I deny that such a mistake was made, I shall claim that the whole vote of Kettle Creek precinct be rejected; because the vote of said precinct, or a large portion thereof, was recorded by one C. C. Hughes, who was not the clerk of said election, and had no authority to act as such.

I also claim that my actual majority from the county of Boyle was 490 votes, when, according to the returns sent to Frankfort, it was 486, and so counted in the returns.

In the account sent to Frankfort from the county of Adair, the majority against me was 550, when the actual majority was only 549.

There are other mistakes to my prejudice, as I will show by the proof. According to the laws of Kentucky, voting has to be done *viva voce*, and clerks of elections may, and actually do, make mistakes, and many have been made to my prejudice. The democracy regard everything fair in politics, and after you have been defeated you ought to have submitted. Because frauds have been heretofore perpetrated by your party in elections, and men defeated when they were fairly elected, is no reason that you should now claim my seat. I therefore say you cannot *chisel* me out of my seat, to which I am fairly and honestly elected.

The treasury at Washington is empty, and will doubtless be if Buchanan democracy is continued in power. I am informed, and shall insist upon, and expect to prove, that you have said that you did not desire to contest my seat, but some of your party forced you to do it; but even if defeated in Congress, you would get the mileage and compensation anyhow.

1. John Ping—who voted at the Dallas district, in Pulaski county; because he had not been a resident of the State, county, or district for the time required by law.

2. William Thompson—who voted at the Dallas district, in Pulaski county; because he was not 21 years of age.

3. William Pierce—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

4. David Sadler—who voted at the Harrison district, Pulaski county; because he was not a resident for the time required by law; in fact, he was a resident of Logan county, Kentucky, at the time of said election.

5. Leroy Whitiss—who voted at the Gaines district, in Pulaski county; because he was not 21 years of age.

6. Samuel Garland—who voted at the Point Isabel district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary for felony, from Whitley county, Kentucky, and served his time out therein, and was thereby, by law, disfranchised.

7. Erased.

8. Eli Dykes, jr.—who voted at the Somerset district, in Pulaski county; because he was a resident of the Bent district, Pulaski county, at the time of said election.

9. John L. Logan—who voted at the Harrison district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

10. Samuel Thacker—who voted at the Juggernaut district, in Pulaski county; because he had been indicted, convicted, and sentenced to the penitentiary, and served his time out therein, and was thereby disfranchised.

11. Wesley Neal—who voted at the Buncombe district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

12. Norris Williams—who voted at the Bent district, in Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

13. Washington Reynolds—who voted at the Bent district, in Pulaski county; because of the same reason as last above stated.

14. James Parton—who voted at the Harrison district, in Pulaski county; because he was not 21 years of age.

15. John Elder—who voted at the same district for the same reason as above.

16. Pleasant Jeffries—who voted at the Juggernaut district, in Pulaski county; because he was a foreigner, and not a citizen of the United States.

17. Thomas Jenkins—who voted at the same district, and for the same reason as above.

18. Henderson Angell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

19. Patrick Doyle—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

20. Samuel Hansard—who voted at the same district; because there is no such voter living in said district.

21. John Davis—who voted at the Somerset district, Pulaski county; because he was not 21 years of age.

22. Wm. Burton, son of Benj. Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

23. Dunny Lustre, son of Jesse Lustre—who voted at the same district, and for the same reason.

24. J. J. Smiley—who voted at the Grundy district, Pulaski county; because he was not a resident of the State, county, or district for the time required by law.

25. Emerson Strunk—who voted at the Texas district, Pulaski county, because he was not 21 years of age.

26. Joseph Keith—who voted at the same district, and for the same reason.

27. Daniel Chitwood—who voted at the same district; because he

was not a resident of the State, county, or district for the time required by law.

28. Jonathan Abbott—who voted at the same district, and for the same reason.

29. John Brown—who voted at the same district, and for the same reason.

30. Elijah Burton—who voted at the Gaines district, Pulaski county; because he was not 21 years of age.

1. Samuel Chaney—who voted at the district No. 5, in Green county; because he was not 21 years of age.

2. Isaac Hartfield—who voted at district No. 4, in said county; because he was a foreigner, and not a citizen of the United States.

3. Samuel Bennett, jr.—who voted in the same district last named; because he was not a resident of the State, county, or precinct for the time required by law.

4. Daniel Sullivan, sen.—who voted at the Greensburg precinct; because of the same reasons last above named.

5. Selden Renfro—who voted at district No. 5, in Green county; because of the same reasons last above named.

6. Thos. Elmore—who voted at district No. 4, in Green county; because he was not 21 years of age.

1. George W. St. Johns—who voted at district No. 1, Wayne county; because he was not a resident of the State, county, or precinct for the time required by law.

2. William Boston—who voted at district No. 1, of said county; because he was not a resident of the county or district for the time required by law.

3. Charles Mitchell—who voted at the same place; because he has not been a resident of the State, county, or district for the time required by law.

4. E. B. Jones—who voted at the same district; because he is a foreigner, and not a citizen of the United States, nor a resident of the State, county, or district the time required by law.

5. J. J. Shepperd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

6. Henry Greer—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

7. A. K. Russell—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

8. James Low—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

9. E. F. Waller—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

10. Henry Martin—who voted at the same district; because he is a foreigner, and not a citizen of the United States.

11. Andrew Henry—who voted at the same district ; because he is not 21 years of age.

12. John Chriswell—who voted at the same district ; because he was not a resident of the county or district for the time required by law ; in fact, he is a resident of Clinton county, Kentucky.

13. G. B. Vaughn—who voted at the same district ; because he is not a resident of the district.

14. Shelby Thomas—who voted at the same district ; because he is not 21 years of age.

15. Charles Orman—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

16. George Smith—who voted at the same district ; because he is not 21 years of age.

17. William Terry—who voted at the same district ; because he was not a resident of the county or district ; in fact, he was a resident of Russell county at the time of the election.

18. George Arthur—who voted at the same district ; because, after he had voted for me, and left the polls, his name was erased from the poll-books.

19. J. McBlack—who voted at the Mill Springs, in Wayne county ; there is no such voter in the district.

20. Seaburn Crutchfield—who voted at the Mill Springs district, in Wayne county ; because he was not a resident of the county, State, or district for the time required by law ; in fact, he is a resident of Kansas Territory, and voted, or said he voted, in said Territory ; and further, because he is not entitled to vote in Kentucky, or anywhere else, he being under 21 years of age.

21. Thomas Rutherford—who voted at the same district ; because he is not 21 years of age.

22. Marion Stevenson—who voted at the same district ; because he is not a resident of the county or district for the time required by law.

23. Thomas Mus—who voted at the same district ; for the reasons last above named.

24. Wm. Scantland—who voted at the same district ; because he is not 21 years of age.

25. Sam'l Pennington—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

26. John Fredricks—who voted at the same district ; because he is a foreigner, and not a citizen of the United States.

27. James Daus—who voted at the same district ; because he is not a resident of the county or district ; in fact, he is a resident of Pulaski county.

28. Wm. Dobkins—who voted at the same district ; because he was not a resident of the State, county, or district for the time required by law.

29. H. P. Jones—who voted at the same district ; because he was not a resident of the county or district for the time required by law.

30. S. A. Hutchinson—who voted at the same district ; because he is not 21 years of age.

31. Wm. Weaver—who voted at the same district ; because, after he had voted, and several other voters had voted after him, he had his vote recorded for you, he not having voted for you when he first cast his vote for the other democratic candidates for the various offices of the State, &c.

32. William Foster, jr.—who voted in Mill Spring district; because he is under 21 years of age, and not a resident of the district, as required by law.

33. George Payne—who voted at the same district; because he is an idiot.

34. F. M. Marcum—who voted at the same district; because after he had recorded his vote for me, and had left the polls, his name was erased from the poll books, so far as his having voted for me.

35. Thomas Simpson—who voted in Mill Spring district, in Wayne county; because he was under 21 years of age.

36. Alberry Shoat—who voted at the Edwards district, in Wayne county; because he was not a resident of the county for the time required by law.

37. Emerson Hancock—who voted at the same district; because he was not 21 years of age.

38. Wm. Rule—who voted at the same district; for the same reason last stated.

39. Shelby Denny—who voted at the same district; for the same reason last stated.

40. Wm. Carter—who voted at the same district; because he was not a resident of the State, county, or district for the time required by law.

41. Granville Morgan—who voted at the same district; because he is not 21 years of age.

42. C. F. Kidd—who voted at the same district; because he was not a resident of the State, county, or precinct for the time required by law.

43. John Sloan, jr.—who voted at same place; because of the reasons above named.

44. Berry Shoat—who voted at the same place; because of the reasons above named.

45. Andrew Hill—who voted at the South Fork district, in Wayne county; because he was not 21 years of age.

46. Granville Spradlin—who voted at the same place; because he was not 21 years of age.

47. William Brewster—who voted at the same place; because he was not a resident for the time required by law.

48. Peter Phipps—who voted at the same place; he only voted for W. A. Hoskins, a candidate for the State senate; he did not vote in the congressional race, and his vote, since the polls were returned, has been put down for Chrisman.

49. Patten Foster—who voted in district No. 7, Dobbsville; because he was not a resident for the time required by law.

50. William King—who voted at the same place; because he was not 21 years of age.

51. James Davis—who voted at same place; because he was not a resident for the time required by law.

52. Frank Winchester—who voted at the same place; because of the reasons last above named.

53. Hiram Troxdall—who voted at the same place; because he was not 21 years of age.

54. Bryant Thurston—who voted at the Mullettown district, Wayne county; because he was not 21 years of age.

55. Granville Shoat—who voted at the same place; because he was not a resident for the time required by law.

56. William Kennedy—who voted at the Sinking district, in Wayne county; because he was not a resident for the time required by law.

57. Isaac Mason—who voted at same place; because he is not a legal voter.

58. Stephen Loveall—who voted at same place; because he is under 21 years of age.

59. Gideon Loveall—who voted at same place; because he is not a legal voter.

60. Christopher Jones—who voted at same place; because he is not 21 years of age.

John Honey—who voted at Mullettown, not having been a resident of the district, State, or county the time required by law.

I have denied the charges in the paragraphs named, and may have omitted to speak of some special charges in your pretended notice. If so, I hereby deny them. But I do admit that Abraham Monroe, whose vote you challenged, as I suppose, was not a legal voter; for if you will examine the poll-books, you will find that said Monroe voted for you, and is recorded and counted.

You have also challenged the vote of James Lair. The said Lair voted for you and is so recorded, but the same is illegal; and I therefore admit that as he voted for you his vote is illegal.

I have been persecuted by the leaders of the democratic party, and my seat in the Congress of the United States has been contested; but I expect to prove, and will prove, before said Congress, that I am honestly, fairly, and legally elected to that position; and I will state, that in the discharge of the high duty, as the representative from the fourth congressional district of Kentucky, endeavor to so act, as to meet with the confidence and respect of my constituents. The war-worn veteran, the children of the country, the widow, the orphan, shall, so far as my feeble efforts are concerned, be fully rewarded.

W. C. ANDERSON.

Executed the within upon James S. Chrisman, (the within named,) by delivering to him a true copy hereof on the 10th day of October, 1859, in the town of Monticello, Wayne county, Kentucky.

F. BATES, *S. W. C.*

By L. P. BAKER, *D. S.*

SIR: Take notice that I will, on the 20th day of December, 1859, at the court-house in the town of Burkesville, Cumberland county, Kentucky, before James Haggard, presiding judge of the Cumberland county court, take the depositions of R. C. Logan, A. G. Waggener, M. H. Owsley, T. Q. Wadkins, James B. Alexander, A. Morris, J. C. Pace, Jackson Pace, Edward Pace, Thomas Rhomine, John Cheek, M. L. Harris, W. L. Matthews, Bonaparte Cheatham, Lewis Waggener, D. R. Haggard, F. W. Alexander, Meredith Martin, Samuel Lewellen, Abraham Spears, W. F. Owsley, Joel Owsley, J. S. Bledsoe, James Cheek, Zeb. Morris, John Johnson, J. Dulworth, Sam. Elliott, Asa Elliott, Robert Elliott, Russell Cole, Robert Scott, James A. Russeau, Joseph R. Robertson, George W. Brooks, Henry C. Norris, Henry Payne, Martin G. Aiken, Martin Glidewell, Allen Chambers, Washington Watson, James M. Cloyd, Wm. Wright, Brinton Smith, and Virginia Aiken. All said witnesses reside in Cumberland county, Kentucky, except W. S. Mathews, who resides in Taylor county, Kentucky; and said depositions are to be read as evidence in the matter of controversy between us, wherein you are contesting my right to represent the fourth congressional district of Kentucky in the approaching Congress of the United States.

W. C. ANDERSON.

JAS. S. CHRISMAN.

Executed the within notice on the within named James S. Chrisman by delivering him a true copy thereof on this the 28th day of November, 1859.

W. R. TAYLOR, *M. S. D.*

JAMES S. CHRISMAN:

In addition to the list of witnesses which I will examine at Burkesville on December 20, before J. Haggard, presiding judge for Cumberland county, in the matter of contested election, you will find the following names: T. A. Vaughan, David Wells, Joseph Brummett, Thomas Boys, Brinton Smith, William Wright, Sol. Prewitt, John Hardeson, and Reuben Hicks, who reside in Cumberland county.

W. C. ANDERSON.

OCTOBER 20, 1859.

Executed the within notice on J. S. Chrisman by leaving a true copy at his usual place of abode, he being absent, this the 24th of October, 1859.

F. BATES, *S. W. C.*

JAMES S. CHRISMAN:

Take notice that I will, before James Haggard, presiding judge of the Cumberland county court, on the 25th of December, 1859, at the court-house in the town of Burkesville, take the depositions of the following named persons, all of whom reside in Cumberland county: Jas. M. Cloyd, Barton Philpot, Wiley Scott, W. O. Hill, William White, Sam. Morrison, Elizabeth Philpot, Mrs. Wesley Prewitt, Jas.

M. Riddle, and T. A. Vaughan, to be real in the matter of contest pending in the House of Representatives of the United States, in which you are contestant and I contestee.

W. C. ANDERSON.

NOVEMBER 5, 1859.

Executed on James S. Chrisman by delivering him a true copy of the within on November 11, 1859.

F. BATES, *S. W. C.*
By D. P. BAKER, *D. S.*

The Commonwealth of Kentucky to the sheriff or any constable of Cumberland county, greeting :

You are commanded to summon R. C. Logan, A. G. Waggener, M. H. Owsley, T. Q. Wadkins, J. B. Alexander, A. Morris, J. C. Pace, Jackson Pace, Edward Pace, Thomas Rhomine, John Cheek, M. L. Harris, W. S. Matthews, Bona. Cheatham, Lewis Waggener, D. R. Haggard, F. W. Alexander, Meredith Martin, Samuel Lewellen, Abraham Spears, W. F. Owsley, Joel Owsley, J. S. Bledsoe, James Cheek, Zeb. Morris, John Johnson, J. Dulworth, Sam. Elliott, Asa Elliott, Robert Elliott, Russell Cole, Robert Scott, T. A. Vaughan, David Wells, Joseph Brummett, Thomas Boys, Brinton Smith, Wm. Wright, Solomon Prewitt, John Hardeson, Reuben Hicks, James M. Cloyd, Barton Philpot, Wiley Scott, Wm. White, W. O. Hill, Sam. Morrison, Elizabeth Philpot, Mrs. Wiley Prewitt, Jas. M. Riddle, Fleming Watson, and Arch. Eldridge, to appear before me at the court-house in Burkesville, on the 20th day of December, 1859, to give their depositions in a certain matter of contested election pending in the House of Representatives of the United States between James S. Chrisman, contestant, and William C. Anderson, contestee ; and this they shall in nowise omit, under the penalty of the law.

Given under my hand, as presiding judge of the Cumberland county court, this 22d of October, 1859.

JAS. HAGGARD, *P. J. C. C.*

Executed on R. C. Logan, A. G. Waggener, M. H. Owsley, Joel Owsley, Jas. B. Alexander, A. Morris, Jackson Pace, Edward Pace, Thomas Rhomine, John Cheek, M. L. Harris, W. S. Matthews, Bona. Cheatham, Lewis Waggener, D. R. Haggard, F. W. Alexander, Meredith Martin, Samuel Lewellen, Abraham Spears, W. F. Owsley, J. S. Bledsoe, James Cheek, Zeb. Morris, J. Dulworth, John Johnson, Sam. Elliott, Robert Elliott, Asa Elliott, Russell Cole, Robert Scott, T. A. Vaughan, David Wells, Joseph Brummett, Thomas Boys, Solomon Prewitt, John Hardeson, Reuben Hicks, Jas. M. Cloyd, Barton Philpot, Wiley Scott, Wm. White, W. O. Hill, Sam. Morrison, Mrs. Wiley Prewitt, James M. Riddle, Fleming Watson, Arch. Eldridge, from October 27, 1859, to December 5, 1859.

L. A. WAGGENER,
R. C. TAYLOR, *D. S. C. C.*,
For A. G. WAGGENER, *S. C. C.*

DECEMBER 20, 1859.

L. A. Waggener was qualified to the within return.

JAS. HAGGARD, *P. J. C. C.*

The Commonwealth of Kentucky to the sheriff of Cumberland county :

You are commanded to arrest George W. Brooks and Lemuel Aiken, and have them before the presiding judge of the Cumberland county court on the 23d day of December, 1859, as well to testify in behalf of the contestee in an action in the 36th Congress of the United States of America, between James S. Chrisman, contestant, and W. C. Anderson, contestee, as to answer for disobedience of the subpoena served on them. And you will admit them to bail for their appearance in the sum of fifty dollars.

Witness Jas. Haggard, presiding judge of the Cumberland county court, this 21st day of December, 1859.

JAS. HAGGARD, *P. J. C. C.*

The Commonwealth of Kentucky to the sheriff or any constable of Cumberland county, greeting :

You are commanded to summon Henry J. Payne and Robt. T. Allen to appear at the court-house, Cumberland county, on the 22d day of December, 1859, to testify, in behalf of William C. Anderson, in a case of contested election between W. C. Anderson and Jas. S. Chrisman.

Witness Jas. Haggard, judge of Cumberland county court, this 21st of December, 1859.

JAS. HAGGARD, *P. J. C. C.*

Executed on Robert T. Allen on the 22d day of December, 1859.

R. G. COLE, *D. S. C. C.*

The deposition of Wm. F. Owsley, taken before James Haggard, presiding judge of Cumberland county, at the court-house in the town of Burkesville, Cumberland county, Kentucky, on the 20th day of December, in the year of our Lord one thousand eight hundred and fifty-nine, to be read as evidence, in behalf of W. C. Anderson, in a case of contested election now pending in the 36th Congress of the House of Representatives of the United States of America, wherein James S. Chrisman contests the said W. C. Anderson's right to his seat in said Congress. The deponent being of lawful age, and first sworn, states :

By Mr. Anderson's attorney. Are you or not acquainted with John Wright ; if so, where and for whom did he vote at the late August election for Congress ?

Answer. I am acquainted with John Wright ; from looking at the poll-books, district No. 1, Cumberland county, Kentucky, I see that he voted in said district for James S. Chrisman for Congress.

By same. Is there or not any other John Wright living or did live at the late August election in district No. 1, of Cumberland county ?

Answer. None that I know of.

By same. State all you know about said Wright's residence in Cumberland county, and district No. 1 thereof, prior to the late August election?

Answer. John Wright moved his family in said district last spring.

By same. State if you know or have any information where he moved his family from?

Answer. He told me, previous to his moving in said district, that his family were at his father's, in Tennessee.

Cross-examined.

By Mr. Chrisman's attorney. Are you acquainted with all the voters who resided in the first precinct at the last August election?

Answer. I do not know that I am.

By Mr. Anderson's attorney. Did or not said Wright tell you when he came from Tennessee that if you would give him employment he would come back here and bring his family to live? if so, state when he told you this, and how long thereafter was it before he brought his family.

Answer. He told me if he could get employment enough here, and could get a house, he would come and bring his family with him to live. He told me this either in the latter part of the winter or the first of the spring of 1859; and it was not a great while before he brought his family here after he told me this.

By same. Did or not said Wright himself come originally from the State of Tennessee?

Answer. He has told me frequently that he had lived in Tennessee.

By Mr. Chrisman's attorney. Did he ever tell you when, at what place, and how long he had resided in Tennessee?

Answer. I have heard him speak of places in Tennessee at which he had resided, but can't say in what year or years he stated that he had lived in Tennessee.

By same. How much family has the said Wright?

Answer. A wife and one child.

By same. Had you any personal acquaintance with the said Wright prior to last winter?

Answer. I had no acquaintance with him until about the latter part of 1858 or first of 1859.

By same. Do you know that he voted at all in the last race for Congress?

Answer. I know it only from seeing the name and vote recorded on the poll-books; I have heard him say he voted.

By same. Did you ever see him in Tennessee?

Answer. I never did.

By same. Do you know that he was ever a housekeeper in Tennessee?

Answer. I don't know it of my own knowledge.

WM. F. OWSLEY.

Also the deposition of Thomas S. Ellison, taken at the same time and place; and after being first duly sworn, stated as follows, viz:

State whether or not you are acquainted with John Wright, who voted at the late election, August, 1859, for James S. Chrisman for Congress; if so, how long had he lived in the first district of said county where he voted prior to said election; where did he come from.

Answer. I know said Wright; I saw him when he was coming to this county; met him in the road with his wife and child when he was coming. He said he was hunting work, and inquired where he could get employment, &c. This was in February, 1858; that was the first time he came here. He left here for Tennessee with his wife and child and plunder in August, 1858. It was some time thereafter before I saw him again.

Was there any other man by the name of John Wright who lived in said district in 1859?

Answer. Not that I know of.

Cross-examined.

By Chrisman's attorney. Did or not the said John Wright reside and work at the ditching business in Cumberland county, from February, 1858, until the last August election, making only an occasional trip to see his family while they were in Tennessee?

Answer. He worked here occasionally at the ditching business. The first season after he came here in February, 1858, he worked as a hiring by the month for Ben. Vaughn, of the first voting precinct in said county of Cumberland; he then moved his family to Tennessee, as he told me; and somewhere from one to three months afterwards I saw him here working at the ditching and other business; I saw him on from that time until the last August election working about from place to place; I suppose he has been here in Cumberland county ever since. He asked me for a house, I think last spring, to bring his family to, and he afterwards told me he had got a place from Mr. Bledsoe, and moved his family to it, where they now reside, in the first voting precinct in Cumberland county.

By same. During the period which you suppose his family to have been in Tennessee, was he or not in Cumberland county working about, and making only an occasional trip to see his family?

Answer. He told me once, while I suppose his family was in Tennessee, that he was going to see them, and he would come back and work for me prior to that time, which was the latter part of last winter or in the spring; he had been working about in Cumberland county, Kentucky; I suppose he had; I saw him occasionally, and he told me he had been at work, as aforesaid.

By Anderson's counsel. When was it said Wright told you he was going to bring his family back to this county from Tennessee?

Answer. In the latter part of the winter or first of the spring of 1859.

THOS. S. ELLISON.

Also the deposition of W. S. Matthews, taken at the same time and place, and for the purposes mentioned in the foregoing caption. The deponent, being of lawful age and first sworn, states:

By Anderson's counsel. Where and for whom did you vote at the late August election for Congress?

Answer. I voted in Campbellsville, Taylor county, Kentucky, and for W. C. Anderson for Congress.

By same. Is or not your vote challenged by James S. Chrisman as an illegal vote?

Answer. I suppose it is.

By same. How long had you resided in the county and precinct where you voted prior to the last August election?

Answer. I have been living in the county and precinct where I voted twenty years, and have never voted elsewhere.

By same. Have you or not, for all that time, considered Campbellsville your only home; and have you ever been absent from there except for a temporary purpose?

Answer. I have for all that time considered Campbellsville my only home, and have not been absent therefrom during which time, except for a temporary purpose.

By same. Have you or not voted always at Campbellsville since you have been old enough and voted at all?

Answer. I have.

By same. Is there any other Wm. S. Matthews living, or did at the late August election live in the Campbellsville precinct, of Taylor county, beside yourself?

Answer. There was no other in that county.

Cross-examined.

By Mr. Chrisman's attorney. Have you a family.

Answer. I have none.

By same. Were you raised in Taylor county?

Answer. I was born in Green and raised in Taylor county.

By same. Were you raised by your parents?

Answer. I was, up to about eighteen years old—by my father and stepmother. I left my father's at that age, and went to do for myself.

By same. With whom did you first reside after you left your father, and give all your succeeding places of residence, and your occupations at each place?

Answer. I worked with one Wm. Turner in Campbellsville in the carding-machine for one season or year. I next went to Pleasant Sanders', in Campbellsville, where I worked in a carding-machine two summers. I next went to old man Shadowen's, where I worked on a farm for one year, about one mile from Campbellsville. I am a little too fast with my history; before I worked at Shadowen's, as above stated, I had worked in a carding-machine at Hodginsville, Larue county, about four months, and about five months in Greensburg, Kentucky, in different years, both before I worked on the farm of Shadowen, as stated. After I quit Shadowen's, I commenced driving a United States mail stage from Campbellsville to Columbia, which I followed off and on up to the 10th of last August was a year ago. I then commenced driving a United States mail stage from Columbia, Kentucky, to Burkesville, Kentucky, and continued up until December, 1858. I then quit and went home to Campbellsville, and com-

menced driving the United States mail stage from Campbellsville to Columbia, and continued that business off and on until April last, and at that time commenced driving the United States mail stage from Columbia, Kentucky, to Burkesville, Kentucky, which I continued until a few days ago, and quit and went home to Campbellsville.

By same. While you drove the stage from Columbia to Burkesville, from August was a year ago, until December, 1858, as you have stated, where did you keep your clothes and have your washing done?

Answer. I had my washing done in Campbellsville. I kept my clothes at Wm. Baker's, the then tavern-keeper in Columbia, Ky.

By same. Who did your said washing in Campbellsville, as you have stated?

Answer. I had it done by a free woman of color, who kept house for herself in Campbellsville, Ky.

By same. By what conveyance were your clothes carried to Campbellsville and back during the said time?

Answer. On the United States mail stage.

By same. At whose house in Campbellsville did you make your home while driving as aforesaid from Columbia to Burkesville?

Answer. At Mr. Redmond's tavern, in Campbellsville.

By same. Had you any property during said time at Redmond's tavern; if so, what property?

Answer. I had nothing but a few clothes.

By same. You have stated that you kept your clothes during said time at Mr. Baker's tavern, in Columbia; do you now state that you only kept part of them at Baker's, in Columbia, and that you kept a part at Redmond's tavern, in Campbellsville, during same time?

Answer. Yes, sir; that is what I state.

By same. The clothes at Redmond's tavern were neither washed, called for by you, nor worn during the time you drove from Columbia to Burkesville, as stated, were they?

Answer. Sometimes I would send and get some of them, as I needed them; when I wore out a pair of pants I would send back to Redmond's and get another pair.

By same. Did you leave these clothes at Redmond's for the purpose of claiming and holding a residence there, that you might be entitled to vote there?

Answer. I did not.

By same. Did you or not keep your clothes during the time aforesaid, while driving from Columbia to Burkesville, or such of them as you wanted for immediate use at Mr. Baker's, in Columbia, Kentucky?

Answer. I did, only when I would send back to Campbellsville to get them washed.

By same. Is it because you had a remnant of clothing at Redmond's tavern, as stated, that made your home at Redmond's, in Campbellsville, or is there any other thing that fixed your home there? If there is, state it.

Answer. I don't, nor did not claim my home there on account of the clothes at Redmond's, but claim it because it was my home.

By same. Do you live at said Redmond's now?

Answer. When I am there I do.

By same. Have you ever had any certain, fixed, and permanent home since you left your father's ; did you or not consider the place at which you resided and worked as your home for the time being ?

Answer. While I was working with Shadowen, Sanders and Turner, as aforesaid, I considered those places my home for the time ; I considered Redmond's tavern aforesaid, my fixed home since that time.

By same. What arrangement or contract have you with said Redmond about a home there ? Give the contract with Redmond, if any.

Answer. I board with said Redmond ; I pay him by the month mostly ; sometimes I pay for a whole winter at the end of the winter ; there is no contract between us ; he generally charges me \$1 50 per week.

By same. How many whole winters have you boarded with him ?

Answer ; I do not know ; a good many.

By same. Is your washing now done at said tavern ; lodging also ?

Answer. My lodging is ; my washing is not nor never has been.

By Anderson's attorney. At all of the above places which you have spoken of when absent from Campbellsville, did you or not at the expiration of your employment intend returning there, and have you or not always returned there when out of employment elsewhere ?

Answer. Yes, sir ; I did.

By same. Have you or not always listed and paid your taxes in Taylor county, and is not the exhibit marked (A) made out and signed by the assessor for Taylor county ? Please make said exhibit a part of this deposition.

Answer. I have always, since I have been old enough, listed and paid my taxes, county levy, State revenue, and town tax in Taylor county, Kentucky, and the exhibit marked A is made out and signed by the county assessor, and is herewith referred to as part of this deposition.

By same. Are or not Campbellsville, Columbia and Burkesville, all in the same congressional district, and was there any contested race last August that you could have voted in in Campbellsville that you could not have voted in in either of the other places ?

Answer. They are all in the same congressional district, and there was no other contested race except for the legislature, and that was not close.

By same. You have stated that you did not keep your clothes at Campbellsville in order to claim that as your residence and for the purpose of voting ; did you or not keep them there because that was your residence, and in order that they might be there when you returned from your employments elsewhere ?

Answer. That was the reason I kept them there.

WILLIAM S. MATTHEWS.

Also the deposition of James M. Cloyd, taken at the same time and place, and for the purposes mentioned in the foregoing caption. The deponent, being of lawful age, and first duly sworn, states :

By Anderson's counsel. Where and for whom did you vote at the late August election for Congress ?

Answer. I voted at the Burkesville precinct, of Cumberland county, and for W. C. Anderson for Congress.

By same. Is there any other James M. Cloyd living in said precinct in Cumberland county, or was there at the late August election?

Answer. There was no other James M. Cloyd, old enough to vote, living in Cumberland county at the late August election.

By same. Is or not your vote challenged by J. S. Chrisman, and did any other James M. Cloyd vote in Cumberland county for Congress at the last August election?

Answer. My vote is challenged by J. S. Chrisman, and no other James M. Cloyd voted, that I know of, in Cumberland county, at the late August election.

By same. How long prior to the late August election had you lived in the county, State, and precinct where you voted?

Answer. My home has been in the county, State, and precinct where I voted at the last August election, ever since I was a child.

By same. Have you ever considered any other place your home, or have you ever left the county where you now reside, except for a temporary purpose?

Answer. I never have; and have never left the county where I now reside, except for a temporary purpose.

Cross-examined.

By Chrisman's attorney. Are you acquainted with all the voters who resided in Cumberland county at the last August election?

Answer. I am not; I am acquainted with a good many.

By same. Have you looked over all the poll-books of the last August election for all Cumberland county?

By same. Then, as you have not looked at the poll-books, you cannot say that the name James M. Cloyd is not found on said books, except your own name?

Answer. I don't know of any other James M. Cloyd in Cumberland county, except myself.

By same. Please give me your history, including the place of your rearing, and the various places at which you have lived, and the time you lived at each place.

[Objected to by Anderson as illegal]

[The judge refuses to let the witness answer the above question.]

By same. Where have you lived since your manhood? Give the different places, and the time you resided at each place.

Answer. I have lived in Cumberland county all the time, except when absent on business.

By same. Have you a family, and how long have you had one?

Answer. I have been married ever since 1847.

By same. Where did you live first after your marriage?

Answer. At James Allen's, on Marrowbone creek, in the first voting precinct of Cumberland county, some two or three months.

By same. Where did you next go from said Allen's?

Answer. I went from Allen's to Wash's bottom, where I have remained, except when out on other business, ever since.

By same. State the times and occasions of your absence from Wash's bottom?

Answer. I have been to New Orleans some two or three times ; the first trip I was out some three months with a load of stock and corn.

By same. Give me the particulars of your absence from the first precinct in Cumberland county, and from the county, during the last two years next before the election?

Answer. On the 10th day of October, 1858, I started to Missouri; I went to Missouri, and returned the 15th day of January, 1859; I went on a visit and to see the country; I had relations there.

By same. Where was your family from the 10th of October, 1858, to the 13th of January, 1859?

Answer. I carried my family with me to Missouri.

By same. What property, if any, did you leave behind you?

Answer. I left my farm in Wash's Bottom, and some \$2,200 or \$2,300 in notes, and a crop of tobacco.

By same. Before starting did you or not sell out all your household and kitchen furniture?

Answer. I did.

By same. With whom did you leave your cash notes, and under what arrangement?

Answer. Thomas Dewerson, with directions to receive the money on them as they fell due, and keep it until I returned.

By same. Did you offer or try to sell your farm before you left?

Answer. I did not.

By same. When you left did you or not intend to remain in Missouri, if you liked that State, on seeing it, better than Kentucky?

Answer. I went with that intention.

By same. Where did you stay at while in Missouri?

Answer. At Mr. Watts', my brother-in-law, the most of the time, and part of the time with my other relation.

By same. How long after you landed in Missouri before you decided not to remain there?

Answer. I was satisfied when I got to my stopping place that I would not remain. I left as soon as the weather would admit.

By same. When you left what disposition did you make with your home?

Answer. I rented my place out for one year.

By same. Where did you return to and remain until the year of said renting was out?

Answer. I came back to the same place and have been there ever since.

By same. Did you or not sell all you proposed, except your farm, before you started to Missouri?

Answer. All except my tobacco crop and a few hogs and sheep.

By same. What arrangement did you make about the disposition of your tobacco crop, and things you left?

Answer. I left my said things with William White; he was to strip and prize my tobacco, and Mr. Thomas Dewerson was to ship it to New Orleans and sell it for me. Mr. White was to dispose of the hogs and sheep the best way he could for me.

By Mr. Anderson's counsel. Did you ever at any time decide in your mind that you would live in Missouri for a single moment?

Answer. I never did, or any other State except Kentucky.

By same. At the time you speak of going to New Orleans, was it or not merely for the purpose of disposing of produce?

Answer. It was, and nothing else. I left my family here.

By same. Did you or not keep your farm for the purpose of returning to it when you went to Missouri?

Answer. That was my notion.

JAMES M. ^{his} + CLOYD.
mark.

Also the deposition of J. M. Baise, taken at the same time and place, and for the purpose mentioned in the foregoing caption ; the deponent being of lawful age and first sworn, states :

By Anderson's counsel. Are you or not acquainted with Thos. Baise ; if so, when and for whom did he vote at the last August election for Congress ?

Answer. I am acquainted with him ; I raised him from four or five years old ; he voted at the Marrowbone precinct of Cumberland county, and for William C. Anderson for Congress, as I see from looking at the poll-books.

By same. Is there any other Thos. Baise living in Cumberland county, and is or not his vote challenged by Chrisman ?

Answer. There is no other Thos. Baise that I know of in the county, and I understand that his vote is challenged by Chrisman as not being twenty-one years of age.

By same. How old is the said Thos. Baise, and what evidence have you of his age ?

Answer. He was born on the 19th day of February, 1838, as the record of his birth shows, recorded in the family Bible.

By same. Do you or not know of your own knowledge that he is that old ?

Answer. I feel safe in saying that he is that old, from my own knowledge of his age.

Cross-examined by Chrisman's attorney.

What proportion of the voters of Cumberland county are you acquainted with, and of the Marrowbone precinct ?

Answer. I reckon I am acquainted with one-third the voters of the county, and I reckon I am acquainted with some over half the voters of the Marrowbone precinct.

By same. State when the Bible record of Thos. Baise was made, as well as you remember.

Answer. I think it has been some nineteen years since it was transcribed from the older Bible record of his age.

J. M. BAISE.

Also the deposition of Robert Elliott, taken at the same time and place, and for the purposes mentioned in the caption ; the deponent being of lawful age and first sworn, states :

By Anderson's attorney. Are you or not acquainted with John

Powell ; if so, where and for whom did he vote at the late August election for Congress ?

Answer. I am acquainted with John Powell, and he voted at the Elliott precinct, No. 2, of Cumberland county, and for James S. Chrisman for Congress.

By same. Is there or not any other John Powell who lives in said precinct, or did at the late election ?

Answer. If there is any other I don't know it, and I think I know every man who voted there at said election.

By same. Please state all you know about said Powell's not being a legal voter.

Answer. He told me he lived in Missouri a year, and had been back to Kentucky but about six months before the late August election.

By same. Did said Powell live in said precinct all the time after he came back to Missouri up to said election ?

Answer. I think he stayed in Adair awhile after the election.

By same. Is said Powell or not a married man ?

Answer. He is a single man.

By same. Are you or not acquainted with Irvin Keeton ; if so, did he or not move to the State of Missouri sometime ago ? When did he move there, how long did he stay, and when did he return ?

Answer. I am acquainted with Irvin Keeton ; he moved to the State of Missouri some time ago ; about three years, I think ; stayed there nearly two years, and then came back to Kentucky.

By same. How long had he resided in this State before the last August election ?

Answer. He came back some time late in the fall of 1858 ; he lived on my land in Cumberland county after he came back until February, 1859, and moved from this (Cumberland) county to Adair county at that time, and I suppose has been living there ever since.

By same. Are you or not acquainted with John Green ; if so, where did he live at the last August election ?

Answer. I am acquainted with John Green ; he came to George Jones', in Cumberland county, in the spring of 1859, and lived there up to the last August election, and came there and lived after the election.

By same. Where did James Brummett, who voted at district No. 2 of Cumberland county, and for W. C. Anderson, live at the last August election ; in what precinct ?

Answer. I believe he lived in the precinct where he voted, and I told him so.

Cross-examined.

By Mr. Chrisman's attorney. When and where did John Powell tell you he had lived in Missouri a year, and what year was it he said he lived in Missouri ?

Answer. He told me so at my mill a few days ago ; he said he lived in Missouri last year.

By same. What did he say he went to Missouri for ?

Answer. I did not ask him any further.

By same. Where did he go from when he went to Missouri, if you know?

Answer. He went from Adair county, from the Harmony precinct.

By same. Was he raised in said precinct, and do his parents still reside there?

Answer. I think he was raised there by a man by the name of Harvey; his parents are dead; the man who raised him still lives in said precinct so far as I know.

By same. Do you know for what purpose, or with what intention, or on what business, he went to Missouri?

Answer. I don't know anything about it.

By same. Do you know that Mr. Irvin Keeton moved to Missouri except by hearsay?

Answer. He told me he did since his return.

By same. Did he tell you how long he remained in Missouri?

Answer. I don't think he did; he was missing from this county near two years.

By same. To what point or place did he first return when he first came back, or where you first saw him?

Answer. The first I saw of him after his return I met him in the road between my house and the still-house; he was knocking about, as I understood, on the Piny branch some time before his wife concluded to live with him; his first settlement for housekeeping was on my land, as I have related.

By same. Although you told Mr. James Brummett that you thought he lived in your (Elliott's) precinct, No. 2, and did so, do you know where the line between said precinct and the town precinct, No. 1, or that line that divides said precincts near where Brummett lived last August, runs?

Answer. I do not know.

By Mr. Anderson's counsel. Where and for whom did Irwin Keeton and John Green vote at the late August election? Did they vote at the Harmony precinct, in Adair county?

Answer. I understood so, but not from them; and I understood they voted for Chrisman.

ROBERT ELLIOTT.

Also the deposition of Thomas Romines, taken at the same place on the same day, for the purposes mentioned in the caption; being of lawful age and first sworn, states in answer to questions by William C. Anderson's counsel:

Where and for whom did you vote at the last August election for Congress?

Answer. I voted in Burksville at the last August election, for William C. Anderson for Congress.

By same. Has or not your vote been challenged by Chrisman, and is there or not any other man by that name in this district?

Answer. My vote has been challenged by Chrisman, and I know of no other man by that name in this (Burksville) district.

By same. How long have you lived in the county, State, and district in which you voted before the last August election?

Answer. I have been in this county and made my home here ever since 1854, and lived in this district since that time.

Cross-examined.

By Mr. Chrisman's attorney. State upon what occasion and how long you have been absent from said precinct or from Cumberland county in the last four years.

Answer. I took a hire and drove a team to Missouri in the year 1857.

By same. What time did you start, and what time did you return from Missouri?

Answer. I started on the 17th day of October, 1857, and returned in the month of December, 1858, to my father's, in Adair county, Kentucky, where I stayed about one week, and then came to R. C. Bowlin's about the 1st of January, 1859, which place I have claimed as my home from that time.

By same. Where did you go from when you started to Missouri?

Answer. From R. C. Bowlin's.

By same. What property, if any, did you leave at R. C. Bowlin's during your trip to Missouri?

Answer. I left none at all.

By same. What did you follow while in Missouri?

Answer. I made a crop in Missouri with the man I went there with.

By Mr. Anderson's counsel. When you went to Missouri, did you or not merely go to assist John Watts to move there, and did you or not intend to return as soon as you had moved said Watts?

Answer. I went to Missouri merely to assist Watts to move there, and expected to return as soon as I moved said Watts.

By same. Did you or not after you got there agree to help said Watts to make one crop, and did you or not expect to return as soon as said crop was made, and did you or not so return?

Answer. I agreed with Watts to make one crop after I got to Missouri, and expected, and did return as soon as said crop was made.

By same. Did you at any time intend to live in Missouri, either before you left here or after you got there; and did you or not all the time expect to return to this county, and consider it your home?

Answer. I never did at any time intend to live in Missouri, either before I left here or after I got there; and I did all the time expect to return to this county, and considered it my home.

THOMAS ROMINES.

Also the deposition of Reuben Hicks, taken at the same time and place, on the same day, to be read as evidence for the same purpose mentioned in the caption, who being of lawful age and first sworn, states:

By W. C. Anderson's attorney. State whether or not you are acquainted with Jubilee G. Murphy, and whether or not you were present at the last August election and saw him vote; if so, for whom did he vote?

Answer. I am acquainted with said Murphy, and saw him vote, and

he voted for Chrisman for Congress ; he voted in Lawson's district, No. 3, in Cumberland county.

By same. Do you or not know of any other man in that district or this county by that name ?

Answer. I do not.

By same. State, if you know, where said Murphy resided before the last August election.

Answer. He resided in district No. 3 before said election ; and the report is that he sold his crop before the election and moved to the Elliott district.

In answer to a verbal interrogatory :

He moved from his father's, in the Elliott district, some time in the winter or spring last to the Lawson district, or district No. 3.

By same. With whom did he reside in your district ?

Answer. He kept bachelor's hall.

By same. Was he or not a young man without any family ? and state whether or not he moved over into district No. 3 for the purpose of making a crop.

Answer. He was a young man without any family ; he never told me what his intention was in moving to district No. 3.

By same. State whether or not he moved some time since to his father's ; and if so, state when.

Answer. My recollection is that he left district No. 3 about the time of the last August election, and has not resided in said district since to my knowledge ; he may have left just before or just after the election.

By same. Are you or not acquainted with Britton Smith ; if so, where did he vote, if you know, and for whom ?

Answer. I am acquainted with him, and he voted at the last August election in district No. 3 for Wm. C. Anderson for Congress.

By same. Where did he live at that time, and how long did he live there ?

Answer. He lived in district No. 3 at that time, and had been living in said district eighteen months or two years.

By same. Do you or not know Henry Grimes and John Cooksey ? If so, state where and for whom they voted at the last August election for Congress, if you know.

Answer. I am personally acquainted with John Cooksey ; am not personally acquainted with Grimes, but know that he came forward and gave his name, and voted in district No. 8 for James S. Chrisman for Congress. I had seen Grimes some four times when he was a boy. John Cooksey voted in said district for James S. Chrisman for Congress at the last August election.

By same. Has or not Britton Smith voted in that district before that time ; and if so, how often ?

Answer. My best recollection is that he voted in that district in 1858 ; I do not recollect whether he voted there at any other time.

Cross-examined.

By Chrisman's attorney. Did or not Mr. Jubilee G. Murphy make a crop this present year in precinct No. 3, where he voted ?

Answer. He did.

By same. Did he or not reside and keep house in said precinct?

Answer. He did during the time he was making his crop, and until he moved or went away, as I have, which I can't say was before or after the election.

By same. Where did the said Britton Smith's wife reside at the last August election?

Answer. In Scott's Bottom, in the Burksville precinct, No. 1, of Cumberland county.

By same. What was said Britton Smith doing in the third precinct at and before the last election?

Answer. Report said he was selling liquors.

By same. Where does he now reside?

Answer. I don't know where he now lives.

By same. Is there any Burton Smith in the third precinct?

Answer. None that I know of.

By Anderson's counsel. Was or not said Smith living all the time you have been speaking of separate and apart from his family, and had he or not left his wife?

Answer. He had been living separate and apart from his wife at the time spoken of, and general report said he had left his wife.

By Chrisman's attorney. Is or not all you know about his living apart from his wife simply this: that you sometimes saw him at his liquor establishment, and don't know whether he went home to his family or not, and is not the general report now that he is living with his wife and family in the town precinct?

Answer. That is all I know about his living apart from his wife, and the general report is that he is now living with his wife in the town precinct, No. 1

REUBEN HICKS.

Continued until to-morrow morning, 9 o'clock.

JAS. HAGGARD, *P. J. C. C.*

COURT-HOUSE, *December 21, 1859.*

Met pursuant to adjournment.

JAS. HAGGARD, *P. J. C. C.*

Also the deposition of Edward B. Pace, taken before James Haggard, presiding judge of the Cumberland county court, on the 21st day of December, 1859, to be read as evidence before the 36th Congress of the United States in a contested election between James S. Chrisman and William C. Anderson; the deponent, being of lawful age and first sworn, states in answer to questions by W. C. Anderson's attorney:

State whether or not Jos. C. Pace is a brother of yours; and if you know, state where he lived at the last August election, and how long he had lived there.

Answer. He is a brother of mine, and had his washing done at my house from the 8th of December, 1858, to the 15th of July last, and my house is in this district, which is district No. 1, where said Pace

voted. In July he moved his washing to Colonel M. Smiley's, in the same district, and remained there until about the last of August.

By same. Did or not said Jos. C. Pace make your house his home during the time he had his washing done there?

Answer. He did.

By same. After he moved to Colonel Smiley's, did he or not make that his home up to the time he left there in the latter part of August last?

Answer. I think he did.

By same. How long had said Joseph C. Pace lived in the State of Kentucky and county of Cumberland previous to the last August election?

Answer. He lived in the State of Kentucky all his life except about six months in 1850, I think, and he returned to this State in the latter part of the same year, and lived in this State up to the latter part of August last, and lived in this county from about the middle of the summer of 1858 till the latter part of August, 1859.

By same. Is there or not any other Jos. C. Pace in this district or county?

Answer. None that I know of.

Cross-examined.

By Chrisman's attorney. While the said Joseph C. Pace kept his washing at your house, as you have stated, where did he himself stay and what did he follow?

Answer. A part of the time he was at my house, and a part of the time he was knocking about from place to place, not engaged in any regular business; when at my house he worked with me occasionally on the farm.

By same. For whom did you vote for Congress at the late August election?

Answer. For W. C. Anderson.

By Anderson's attorney. Did or not said Jos. C. Pace make his home in district No. 1 of Cumberland county, where he voted, more than sixty days before the last August election?

Answer. He did.

By same. Did he ever reside out of the State of Kentucky after 1850?

Answer. He never resided out of the State, nor was ever out of it, so far as I know, since 1850, before said election.

EDWARD B. PACE.

Also the deposition of Thomas Romines, taken at the same place, on the same day, to be read in the case mentioned in the caption.

The deponent being of lawful age and first sworn, states:

Question by W. C. Anderson's attorney. Are you or not acquainted with G. J. Furquin, and did he or not vote at the Burksville district, No. 1, at the last August election; and if so, for whom did he vote for Congress?

Answer. I am acquainted with G. J. Furquin, and he voted in the Burksville district, No. 1, at the last August election, and he voted for Chrisman for Congress.

By same. Where did said Furquin reside at the last August election, if you know, and how long had he resided there?

Answer. He was working with George Breeding, in Adair county, but don't know how long he had resided there.

By same. Did you or not disclose your knowledge of the facts stated until after your deposition was taken on yesterday?

Answer. Not until after my deposition was closed.

[James S. Chrisman excepts to the reading of the foregoing deposition of Thomas Romines, because the same witness gave his deposition on yesterday, the 20th instant, and the same was closed and signed by the witness, and other depositions afterwards taken, and the same witness, after having left the place of taking depositions, returns to-day and is resworn, and gives a new deposition, of which there has been no notice or leave obtained to take it.]

And not waiving said exceptions, proceeds to cross-examine:

Are you or not the same witness who gave a deposition at this place and before Judge James Haggard on yesterday?

Answer. I am.

By same. Did you or not leave this place and go home last night?

Answer. I did.

By same. Have you or not been resworn to-day before giving this second deposition?

Answer. I have.

By same. What relations did the said G. J. Furquin have in the first voting precinct of Cumberland county while at work at George Breeding's, as you have stated?

Answer. His mother lives in the said first voting precinct, I reckon, but do not know certainly; he has no family of his own.

By same. Was or not his home at his mother's while he worked temporarily at Breeding's, as you have stated?

Answer. I don't know.

By same. Was he or not working at Breeding's only by the month; and how far from his mother's to said Breeding's where he worked?

Answer. I think he worked at Breeding's as a hireling by the month; his mother resides some two or three miles from said Breeding's where he worked.

By same. What is his age, and has he ever left his mother's or moved his home from there?

Answer. He is a young man; got no beard on his face; I have known him for six or seven years; if he has ever moved his clothes from his mother's I don't know it.

By Anderson's attorney. Do you know whether said Furquin makes his mother's house his home or not?

Answer. I do not.

By same. Was or not Mr. Hays requested to consent to the retaking of your deposition and refused?

Answer. He did.

THOMAS ROMINES.

Also the deposition of James M. Riddle, taken on the same day and at the same place, to be read as evidence in the proceeding mentioned in the caption.

The deponent, being of lawful age and first duly sworn, stated as follows, viz :

Are you or not acquainted with Benjamin H. Farmer, who voted for James S. Chrisman for Congress at the late August election, 1859, in the Burksville precinct ; if so, how long had said Farmer had a residence in said precinct, Cumberland county, Kentucky, before said election ?

Answer. I am acquainted with him ; he lived in said county and precinct eight or nine months prior to said election.

By same. Where did he live before he came to said county and precinct ?

Answer. He moved to this county (Cumberland) from the State of Missouri ; he left Clinton county, Kentucky, some time ago, how long, I do not recollect, and moved, as he told me, to Missouri ; he was gone over a year before he returned ; he sold his plunder and carried his family with him to said State ; I saw a letter from him to his friends in this county while he lived in Missouri ; he was not a resident of this county twelve months next before the last August election, 1859.

By same. Are you acquainted with Wm. Sevier ; and if so, do you know where and for whom he voted for Congress at the last August election ?

Answer. I am acquainted with him, and have known him from his infancy ; he voted at the Kettle Creek district, No. 4, in Cumberland county, at the last August election, for William C. Anderson for Congress.

By same. Do you or not know his age ; if so, state what his age is, and how you know what his age is ?

Answer. He was born in May or June, 1838 ; I know it from the age of one of my children, and from the death of the wife of Solomon Brent.

By same. When was your child born that you have spoken of in your last answer ?

Answer. Born the 24th of February, 1838.

By same. How much older, if any, was that child than William Sevier ?

Answer. Some three or four months.

By same. When did Solomon Brent's wife die, of which you have spoken in a former answer, and how old was William Sevier at the time of her death ?

Answer. She died in October, 1838, and William Sevier was several months old ; he could crawl about and get up by a chair.

By same. State if you know John Johnson ; if so, for whom did he vote at the last August election for Congress, and where ?

Answer. I am acquainted with John Johnson, and I see from an examination of the poll-books that he voted at the last August election at the Kettle precinct in this county for James S. Chrisman.

By same. Is or not the John Johnson you speak of son of Juisey Johnson?

Answer. He is.

By same. State his age, if you know it.

Answer. I don't know his age exactly, but my impression is that he was not 21 years old at the last August election.

By same. About how long has it been since his father and mother moved from this county to Arkansas, and how old was said John Johnson at that time?

Answer. It has been about fourteen or fifteen years since they moved to Arkansas, and he was not more than about three or four years of age at that time.

By same. You have spoken of Solomon Pruet's wife dying in October, 1838; are you or not certain that said Johnson was not born at that time?

Answer. I am pretty confident that he was not.

By same. Do you or not know that Wm. Sevier is older than said John Johnson?

Answer. Yes; he is a few years the oldest.

By same. Did you or not live in the neighborhood of said Johnson and Sevier at the time they were each born?

Answer. I lived not over a mile from said Johnson's father at the time of his birth, and about two miles from Wm. Sevier's mother at the time of the birth of said Wm. Sevier.

By same. Do you or not know Jacob Dulworth, who voted in the Kettle Creek district at the last August election, and for whom did he vote at said election for Congress?

Answer. I am acquainted with said Dulworth; I was not present when he voted, but I see from the examination of the poll-books that he voted in the Kettle Creek district at the last August election for James S. Chrisman for Congress.

By same. Is there any other Jacob Dulworth in that district, or in this county?

Answer. If there is I don't know it, and I am well acquainted in that district.

By same. Did or not said Dulworth leave this State? If so, where did he go, and how long did he stay? Tell all you know about it.

Answer. He told me that he was going to California to dig for gold, and that he might stay several years and he might not stay so long; and he was gone somewhere about fourteen months, and told me after his return that he had been to California.

By same. Had said Dulworth any family?

Answer. No, sir; he was a single man.

Cross-examined.

By Mr. Chrisman's attorney. Has the said Benj. F. Farmer a family or not?

Answer. He has a family; his wife died before he left here; he had two children, which he took with him, and has married again since his return.

By same. Were you present when he started to move from Clinton county to Missouri, as you have stated, or is it hearsay from him?

Answer. I was not present ; I heard him say that he was going before he went, and also that he had been there after his return.

By same. Who went with him, and how did he go? Did he take his children with him?

Answer. His father and mother and some of his brothers ; he took his children with him as I understand.

By same. What time did he get back, as nearly as you can recollect?

Answer. I think he got back in November, 1858.

By same. To what place did he return and settle in after his trip of which you have spoken?

Answer. He settled on the hill in the direction of Albany, Clinton county, Kentucky, about seven miles from the town of Burkesville, in the first voting precinct of Cumberland county, Kentucky, in which he voted.

By same. Did he or not tell you before he started that he was going to Missouri for temporary purposes, and with the intention of returning?

Answer. No, sir ; he told me he expected to live in Missouri.

By same. Are you acquainted with the voters of the first precinct, at and before the last August election, or what portion of them?

Answer. I am not acquainted with all the voters of said precinct ; I suppose I know about one-third of them.

By same. Do you know that the said Ben. F. Farmer voted at all for any one at the last August election?

Answer. Not of my own knowledge I don't, and I never heard him say anything on the subject.

By same. You have stated that said Farmer returned to this county in the month of November, 1858. Do you or not mean only by that that the first you saw of him in this county after his said trip was in the said month of November, 1858 ; and do you know of your own knowledge at what time he first arrived in this (Cumberland) county after said trip?

Answer. My recollection is that the first I saw of him after his said trip was in the month of December, 1858. I don't know when he returned before that time, or how long, except from the report of the neighbors.

By same. Where are the parents of the said William Sevier, if living?

Answer. His mother is living in Cumberland county, Kentucky, in the precinct in which he voted.

By same. How far did you reside from his parents when he was born?

Answer. Some one and a half or two miles.

By same. Were you present at his birth?

Answer. I was not present at his birth nor when he was got.

By same. How many children have you?

Answer. My wife has ten.

By same. Give the year, month, and date in which each was born.

Answer. My oldest was born the 27th of January, 1836 ; the next

was born the 24th of February, 1838 ; the next, the 13th day of March, 1840 ; the next, the 17th of September, 1842 ; the next, the 12th of February, 1844 ; the next, the 16th of April, 1846 ; the next, the 16th of May, 1848 ; the next, the 16th of October, 1851 ; the next, the 3d of February, 1854 ; the next, the 17th of August, 1856.

By same. When were you married ?

Answer. I was married the 27th of April, 1834.

By same. Are not your marriage and children's births all recorded in your Bible ?

Answer. They are.

By same. Have they or not been recorded along soon after each was born ?

Answer. They have.

By same. Is there any record of the age of the said William Sevier, as you know of ?

Answer. I don't know of any.

By same. What enables you to remember the date of the death of Perchy Pruett, wife of Solomon Pruett ?

Answer. I recollect it distinctly from the age of my second child ; she was at my house when the child was born, and died the following October.

By same. How many brothers and sisters had the said John Johnson, if any ?

Answer. My impression is they (his parents) had about four children before they removed to Arkansas, as I have stated.

By same. Were they all male, or how many were ?

Answer. I don't think that there was but the one boy.

By same. What year, if you know, was he born in ?

Answer. I won't be positive, but my impression is he was born in 1839.

By same. If he was born in 1839, how do you reason to make him a few years younger than William Sevier, of whom you have spoken ?

Answer. They put the few years in my answer improperly ; it should have been a few months, as I aimed to answer.

By same. Where do the said Johnson's parents now reside, if living ?

Answer. His mother lives in the Kettle Creek precinct, where he is said to have voted.

By same. Is there any record of his age known to you ?

Answer. I think his age was recorded, and the record thereof was burned in their house prior to their said moving to Arkansas.

By same. For whom did you vote at the last election for Congress ?

Answer. For W. C. Anderson ; and would do the same over if it were to do over.

By same. What proportion of the voters of the said Kettle Creek do you know ?

Answer. I am personally acquainted sufficient to call the names of nine-tenths of them.

By same. Did or not the said Jacob Dulworth tell you that he went to California with the intention of returning ?

Answer. He told me he expected to return if he lived ; that he might stay several years, and might not stay so long.

By same. State the time, as nearly as you can, when he returned.
Answer. About fourteen months after he left.

By Anderson's attorney. Are or not the mothers of both Sevier and Johnson above alluded to very illiterate women. Can they read or write? Were there any other persons by their names, voters, living in the Kettle Creek precinct at the last August election beside the ones spoken of?

Answer. They are very illiterate women, and can neither read nor write; and if there were any other William Sevier or John Johnson living in said precinct at said election, I don't know it.

By same. How far do their mothers live from town, and is or not the weather at this time very inclement, and not suitable for women to get out from home?

Answer. They live at least eleven miles, and the weather at this time is very inclement, and unsuitable for women to leave home.

By same. Is or not Solomon Pruett's wife, whom you spoke of having died, an aunt of your wife, and are you or not thereby enabled the better to determine the age of Sevier aforesaid?

Answer. She is; and I am by her death the better enabled to determine William Sevier's age.

J. M. RIDDLE.

Also the deposition of Russel G. Cole, taken at the same place, on the same day, to be read in the case mentioned in the caption, who being of lawful age and first sworn, states in answer to questions:

By Anderson's attorney. State whether or not you are acquainted with John Powel; if so, state where and for whom he voted at the last August election for Congress.

Answer. I am very well acquainted with John Powel, and he voted at Elliott's precinct, No. 2, in Cumberland county; and he voted for James S. Chrisman at the last August election for Congress.

By same. Were you or not clerk of said election in August, 1859; if so, was there any other man by the name of John Powel voted in said district at that election?

Answer. I was clerk of said election, and no man voted there but the one by the name of John Powel.

By same. State all you know about said Powel being an illegal voter?

Answer. He moved to Illinois, and stayed there something over a year, and had not been back a year in this county when he voted; that is my recollection.

By same. Where did he first come to when he returned to this State, and when did he come to this county?

Answer. He came to Adair county and bought land there; and came from there to this county last spring.

By same. State, if you know, when he returned to this State from Illinois.

Answer. I think he returned some time in 1858, but it might have been in the fall of 1857.

By same. Do you know Henry Grimes?

Answer. I know a man by that name.

By same. Where and for whom did he vote at the last August election?

Answer. I see from the poll-book that he voted at the Lawson precinct, No. 3, for James S. Chrisman for Congress, at the last August election.

By same. State all you know about his being an illegal voter at that time.

Answer. I know he was gone for some time from the county, and returned a short time before the election.

By same. State whether or not you are acquainted with G. F. Dowell; if so, for whom did he vote at the last August election for Congress, and where did he vote?

Answer. I am acquainted with him, and he voted at Elliott's district, in this county, at the last August election, for Wm. C. Anderson for Congress.

By same. How long previous to the last August election had he lived in said district and county?

Answer. He came to the county and district in the early part of last spring and lived there up to the election.

By same. State how long he had lived in this State previous to the time he moved to this county, if you know.

Answer. I have known him some eight or ten years, and if he ever lived out of this State during that time, I have no knowledge of it.

By same. Are you or not acquainted with John Green; if so, where did he live at the last August election?

Answer. I am acquainted with said Green; he lived at George Jones', in Cumberland county, up to the day before the last August election, and returned to said Jones' a few days after the election, and is still living at said Jones'; he made a crop at Jones' this year.

By same. Are you or not acquainted with Irvin Keeton; if so, where did he live at the last August election?

Answer. I am very well acquainted with him; he lived in the Harmony district at the last August election.

By same. How long had he lived in the State, county of Adair, and Harmony district, before the last August election?

Answer. He had been in this State about fourteen or sixteen months after his return from Missouri; he returned to this county and lived here nine or ten months after his return from Missouri; and moved to Adair from here and remained there up to the last August election, which was some four or five months.

By same. How long did he remain in Missouri, when he moved there, before he returned to this State?

Answer. Something over two years.

By same. Did or not the John Green and Irvin Keeton of whom you have spoken in this deposition vote in the Harmony district, at the last August election, for James S. Chrisman for Congress?

Answer. From information, they did; three or four men told me they saw them vote, but I did not hear either said Green or Keeton say so.

[Answer objected to by Mr. Chrisman's attorney and sustained.]

Cross-examined.

By Mr. Chrisman's attorney. How do you know that John Powell moved to Illinois?

Answer. I saw him a few days before he started; he told me he was going there.

By same. That is all you know about it, except rumor, is it not?

Answer. I know he was gone from the neighborhood for that time.

By same. How do you know he bought land in Adair county after his return from Illinois?

Answer. He told me so I think.

By same. How do you know that he lived in Adair after his return?

Answer. I know it by his not being in Cumberland; I saw him in Adair county at McCajah Harvey's, and other places; he made a crop at said Harvey's; took liquor to Harvey's and sold it.

By same. How do you know he made a crop and sold liquor at said Harvey's?

Answer. Harvey told me so.

By same. How do you know what time he moved into Cumberland county?

Answer. He came there some time in the winter or spring, and attended ground there joining me.

By same. How do you know where he came from when he came to the place joining you?

Answer. He said he came from Adair.

By same. Did he keep house while cropping this year near you, or who did he live with?

Answer. He lived with his brother-in-law, John M. Harvey.

By same. Did he or not make his home at his said brother-in-law's (Harvey's) before he went off from this county?

Answer. He did make his home with his said brother-in-law (Harvey) before he left here.

By same. Did said Harvey live at the same place before Powell left for Illinois that he lived at last summer when Powell lived with him?

Answer. I think he did.

By same. Then said Powell lived at the same place last summer that he lived at before he left for Illinois?

Answer. He did.

By same. Do you know with what intention said Powell went to Illinois; whether of returning or not?

Answer. I do not.

By same. Who did he go with?

Answer. With Barry Lewis and John Curry; they moved.

By same. Where did G. F. Dowell, of whom you have spoken, live in Elliott precinct?

Answer. He lived at William Warriner's, in the Rockhouse Bottom.

By same. Under what arrangement did he live at Warriner's?

Answer. I don't know; he was making a crop there, and helping Warriner work on his (Warriner's) steam mill; I can't say whether

he worked by the month as a hireling, or made a crop for himself at Warriner's.

By same. Was he or not a single young man ; and where did his parents live ?

Answer. He was single ; his parents, if living, I think live in Russell county, Kentucky.

By same. Do you know where he kept his clothes and washing while at William Warriner's ?

Answer. I do not know.

By same. Do you know how long Irwin Keyton was in Missouri, if at all ?

Answer. He was gone from here something over two years ; he told me he had been in Missouri.

By same. For whom did you vote for Congress at the last election ; and were you not an ultra opposition man, and quite active and zealous in the late election ?

Answer. I voted for W. C. Anderson ; I am an opposition politician ; I took an active part against democracy as far as I thought right.

By Anderson's attorney. State whether or not John Powell told you that he lived in Illinois while he was gone from this State ; and how long did he say he stayed there ?

Answer. He told me he had lived in Illinois a year or more when he was absent from here.

By same. Did he or not tell you where he lived in Illinois, and what his occupation was while there ?

Answer. He told me he lived in Scott and Mazonpin, and worked on the farm the most of the time while there.

R. G. COLE.

Also the deposition of Jas. H. Cheek, taken on the same day and at the same place, to be read as evidence in the 36th Congress of the United States, between Jas. S. Chrisman and Wm. C. Anderson, in a contested election between them in said Congress.

The deponent being of lawful age, and first sworn, states in answer to interrogatories by W. C. Anderson's attorney :

Question. Are you or not acquainted with John Wright who voted at Burksville at the last August election ; if so, for whom did he vote for Congress ?

Answer. I am acquainted with John Wright, and I see from an examination of the poll-books that said Wright voted at Burksville at the last August election for Jas. S. Chrisman for Congress.

By same. Is there any other John Wright in the Burksville district except the one you have spoken of ?

Answer. None that I know of.

By same. Are you or not well acquainted in said district, and are you or not a practicing physician, and frequently in all parts of this county and this district ?

Answer. I am well acquainted with a large part of the county, particularly in this (the Burksville) district ; I am a practicing physician, and am frequently called to all parts of this voting district.

By same. Now tell all you know about said Wright being entitled to a vote at the last August election?

Answer. I heard him say last winter or spring that he could make no money here, and he intended to move his family to her relations in Tennessee, and come back here and work to pay his debts.

By same. Did he or not move his family to Tennessee after that time, and before the last August election?

Answer. He did; so he told me.

By same. Are you or not acquainted with Benjamin F. Farmer who voted at Burksville at the last August election; if so, for whom did he vote for Congress?

Answer. I am well acquainted with said Farmer; I see from an examination that he voted at the last August election in Burksville for Jas. S. Chrisman for Congress.

By same. State all you know about said Farmer's moving to Missouri, if anything, and when he moved, and how long he stayed there?

Answer. He told me he was going to move to Missouri, and I saw him when he came through this place on his way; I shook hands with him and he cried; I think he left here last spring a year ago; my recollection is that he returned last spring or winter.

By same. Did he or not have his family with him when he passed through here?

Answer. I don't recollect of seeing his family.

By same. Did or not said Farmer tell you that he sold his land for the purpose of moving to Missouri?

Answer. He did.

Cross-examined.

By Chrisman's attorney. To whose house did John Wright, of whom you have spoken, move his wife in Tennessee?

Answer. My recollection is that he said to her father's or his father's.

By same. Did he or not say that when he took his wife to Tennessee he was coming back to pursue his business until he made money and paid his debts, and then he was going to bring his wife back?

Answer. He said he was coming back to make money and pay his debts; he said nothing about bringing his wife back?

By same. Did he or not come back and pursue his business, and bring his wife back also?

Answer. He did come back and pursue his business, and afterwards brought his wife back.

By same. Do you know with what intention Ben. F. Farmer went to Missouri?

Answer. He told me he was going to move there.

By same. What are your politics, and for whom did you vote at the late August election?

Answer. Opposition, and for Anderson.

By same. Can you say that John Wright ever did take his wife to Tennessee?

Answer. He told me he was going to take her, and afterwards that he had took her, and that she and those with whom he left her fell out, and he brought her back ; that after they fell out he started after her and met her coming back before he got to the place where he left her, is my recollection.

By Wm. C. Anderson's attorney. Are you acquainted with John Hardison who voted at the Burksville district, and for whom did he vote for Congress at the last August election ?

Answer. I am acquainted with said Hardison, and have been for many years, and my impression is that he voted for Wm. C. Anderson for Congress at the last August election.

By same. How old is said Hardison, if you know ?

Answer. I don't know certainly about his age, but I would say he was about twenty-three years of age.

By same. What induces you to believe he is twenty-three years old ?

Answer. I saw said boy in 1839, I think, and I think he was about three years old at that time from his appearance then.

By same. Do you know Thos. A. Vaughan, and is he or not the only Vaughan that has been sentenced to the penitentiary from this county for the last twenty years ?

Answer. I know him, and he is the only man by that name, or by the name of Vaughan, that has been sentenced to the penitentiary from this county for twenty years.

By Chrisman's attorney. Where did you see John Hardison at in 1839 ?

Answer. My recollection is in Burksville, Kentucky.

Question. What enables you to recollect the year ?

Answer. It was the year I came here, and that one Stiles took Hardison's wife from him ?

Question. Are you or not guessing at the age of the boy John Hardison in 1839 ?

Answer. I am guessing from his appearance at that time, he was a boy running about.

JAS. H. CHEEK.

Adjourned until to-morrow morning, 9 o'clock.

JAS. HAGGARD, *P. J. C. C.*

COURT-HOUSE, BURKSVILLE, KENTUCKY, *December 22, 1859.*

Met pursuant to adjournment.

Also the deposition of Jo. B. Alexander, taken at the court-house in the town of Burksville, Cumberland county, Kentucky, on the 22d day of December, 1859, before James Haggard, presiding judge of Cumberland county, Kentucky, and for the purposes mentioned in the caption, who being of lawful age, and first sworn, states in answer to question :

By Anderson's counsel. Are you or not acquainted with Benjamin

F. Farmer ; if so, where and for whom did he vote at the late August election for Congress?

Answer. I am acquainted with said Farmer, and I see from looking at the poll-books he voted at district No. 1 of Cumberland county, and for James S. Chrisman for Congress, at the recent election.

By same. Did he or not come to this place to give his deposition when J. S. Chrisman took depositions here?

Answer. He told me he did.

By same. When did he leave this county to go to Missouri ; for what purpose did he go ; how long did he remain in Missouri, and when did he return to this county ?

Answer. I think he left here for Missouri in the spring of 1858, and I think he came back here in the fall of 1858. He told me he went to Missouri to live.

By same. Did he or not sell out all his property before he left this county, and settle up his debts ?

Answer. He told me he had sold all his property and settled his debts ; he settled with me ; he told me then he was going to Missouri to live

Cross-examined.

By Mr. Chrisman's attorney. Did said Farmer carry any property with him to Missouri that you know of?

Answer. I do not know.

By same. Do you know anything about the time of his return to Cumberland county, except that you first saw him here last November, or sooner, and is not that all you know about the time of his return, except hearsay ?

Answer. That is all I know, except he told me when I first saw him that he was just from Missouri ; this was, I think, in October, or later in the year 1858 ; he said he had moved back.

By same. What are your politics, and for whom did you vote for Congress at the late election ?

Answer. I am an oppositionist generally. I voted for S. H. Bowles, democrat, for Senate.

JO. B. ALEXANDER.

Also the deposition of Milton Smiley, taken at the same time and place, and for the purposes mentioned in the caption, and, after being first duly sworn, stated as follows, viz :

By Mr. Anderson's attorney. Are you or not well acquainted with Joseph C. Paw, who voted for Wm. C. Anderson for Congress at the late August election, 1859, at the Burksville precinct ; if so, state how long he had a residence in said district prior to said election ?

Answer. I am well acquainted with him. He was born and raised in Cumberland county, and if he ever had a residence elsewhere than Cumberland I do not know it. He went to Missouri some years ago, in 1850, as I am informed, but stayed there but a few months. He had a residence in the said precinct in which he voted for nine or ten months before said election.

By same. Is he a man of family?

Answer. He has no family; has never been married.

By same. When did Benjamin F. Farmer return to this State and county from Missouri?

Answer. In the last of October or first of November, 1858. I saw him on his return from Missouri; his family was with him.

By same. Are you or not acquainted with Wm. Wright, who voted for Wm. C. Anderson at the Marrowbone precinct, in Cumberland county, whose vote is challenged by James S. Chrisman?

Answer. I am.

By same. How long had he had a residence in Cumberland county and the said precinct where he voted prior to said election, August, 1859.

Answer. He has lived in said precinct for many years, claiming that place as his residence all the time.

Cross-examined.

By Chrisman's attorney. Has the said William Wright a family or not?

Answer. Yes, I think he has.

By same. Has that family ever lived in the Marrowbone precinct of Cumberland county, Kentucky?

Answer. They lived in said precinct some six or seven years ago, more or less.

By same. Has that family lived with him in the said Marrowbone precinct in the last three or four years?

Answer. I do not know.

By same. Have you ever seen him at any place he called home in said precinct at any time?

Answer. Not for several years.

By same. What place in the Marrowbone precinct has the said Wright claimed as his home in the last two years.

Answer. I don't know that.

By same. Has he any house or land in said precinct?

Answer. I don't know of any.

By same. What is his probable age?

Answer. He looks to be 50 or 55 years old.

By same. What are your politics, and for whom did you vote at the late election for Congress?

Answer. I am opposition throughout, and expect to remain so, and voted for Anderson.

M. SMILEY.

Also the deposition of John L. Akin, taken at the same place, and for the purposes mentioned in the caption, and on the 22d day of December, 1859, who being of lawful age, and first sworn, states in response to question:

By Mr. Anderson's counsel. State if you were or not present at the late election at the Kettle Creek district of this county, and saw the votes recorded at said precinct; if so, state who recorded the votes at said election.

Answer. I was not.

By same. State if you know Henry Grimes; if so, where did he live at the last August election, and when did he move there, and where did he come from, when he moved there? State all you know about him.

Answer. I know Henry G. Grimes. He came into this State from Tennessee to his grandmothers last spring, and hired to James Allen to work. He worked there about two weeks, then left and went to Russell county, and stayed there until a short time before the election, not over three weeks before the election, and he left immediately after the election, and I have not seen him since.

By same. Where and for whom did said Grimes vote at the last August election for Congress.

Answer. At Whetstone, for James S. Chrisman, as I see from the poll-book.

By same. Has said Grimes or not been challenged by W. C. Anderson under the name of Henry Givins?

Answer. I see from looking at Anderson's challenge that he has challenged a man by the name of Henry Givins. I know no such man in the county.

By same. Are you or not well acquainted in the Lawson or Whetstone district; and have you or not lived in the neighborhood of said district all your life?

Answer. I am well acquainted in said district, and lived in the district and the neighborhood of said district all my life.

By same. Do you or not know of any other Henry Grimes in said district or county except the one spoken of?

Answer. I do not.

Cross-examined.

By Mr. Chrisman's attorney. Where was the said Grimes raised, if you know?

Answer. I think he was principally raised by Dr. John B. Ryan, of Cumberland county, Kentucky.

By same. For what purpose or in what business did the said Grimes go to Tennessee, if you know?

Answer. I do not know, only this, he told me he married out there.

By same. What time did he come into the said Whetstone precinct, in which he is supposed to have voted?

Answer. As well as I remember it was last winter, or spring of 1859.

By same. Does or not his grandmother live in the said Whetstone precinct, and did last spring?

Answer. She did, and still does.

By same. Do you know on what business the said Grimes went to Russell, or that he went at all, except from hearsay?

Answer. He told me when he came back that he went up there to work, and worked one month for Nathan McClure. I know he went only from his own word.

By same. When he returned did he or not return to the Whetstone precinct?

Answer. He came in there ; he had no settled home as I know of ; he was scouting about from place to place.

By same. What proportion of the voters of said Whetstone precinct were you acquainted with at and prior to the last August election ?

Answer. I reckon I know nearly every man in it who was a voter.

By same. What are your politics, and for whom did you vote at the last August election ?

Answer. I voted the opposition ticket throughout.

By Mr. Anderson's counsel. When said Grimes came back to this county from Tennessee did he bring his wife with him, or has he ever brought his wife from Tennessee to this State ?

Answer. He did not bring his wife with him when he came here, and never has, so far as I know, brought his wife from Tennessee to Kentucky.

By same. When he left his grandmother's and came to James Allen's did he or not take his clothes with him, and have his washing done at said Allen's ; and does or not said Allen reside, and did when Grimes went there, in the Elliott precinct of this county ?

Answer. When he left his grandmother's and came to Allen's to live he brought his clothes with him, and had his washing done there, and said Allen resided at the time Grimes went there in the Elliott district of this county.

By same. Did he or not take his clothes and all he had with him when he went from Allen's to Russell county ?

Answer. I think he did ; my recollection is he told me so.

By same. Did said Grimes have any property in this State or county ?

Answer. If he had anything but himself, it is more than I know.

JOHN S. AKIN.

Also the deposition of Robert T. Allen, taken on the same day, at the same place, to be read in the controversy mentioned in the caption, who, being of lawful age, and first sworn, states, in answer to question by W. C. Anderson's attorney :

Are you or not acquainted with Henry G. Grimes, who voted at the Lawson district at the last August election for James S. Chrisman for Congress ?

Answer. I am acquainted with him ; he worked for my father not quite a month in March last. My father lives in Elliott district.

By same. Where did said Grimes come from when he came to your house ?

Answer. From May's, where he had been two or three months before he came to our house.

By same. Where did he come from when he came to May's ?

Answer. He told me he came from Tennessee. He came to May's about the 1st of September, 1858.

By same. Where did he go when he left your father's ?

Answer. He returned to my father's, and told me he had worked with Nathan McClure during his absence.

By same. After his return did he have any settled home ?

Answer. None that I know of.

By same. Had he or not a wife and family in Tennessee ?

Answer. He told me he had a wife there.

By same. Did he bring his wife to this State with him?

Answer. He did not bring her in our neighborhood, but while he lived with my father he told me he had a wife in Tennessee.

By same. Is he or not now in your neighborhood; if not, where is he, and have you seen him since the election?

Answer. He is not now in our neighborhood; I don't know where he is; have not seen him since the election.

By same. Do you or not know any other Henry G. Grimes in this county, and are you or not tolerably well acquainted in Lawson district, and have you or not lived in two or three miles of said district all your life?

Answer. I know of no other Henry Grimes or Henry G. Grimes in said district or county, and am tolerably well acquainted in said district, and have lived in a few miles of said district all my life.

Cross-examined.

By Mr. Chrisman's attorney. Is or not the place of May's, from which said Grimes went when he went to your father's to work, in the Whetstone precinct?

Answer. I think it is.

By same. How long did he work at your father's? Did he or not come there to work a month, and not to make his home there?

Answer. He set in for a longer time than a month. If my father liked him, he was to have \$9 50 per month and his washing, &c., done. Ten months was the time for which he set in, if my father liked him. He left a little short of the first month.

By same. Was he or not raised in Kentucky, and did he ever have a home in Tennessee that you know of?

Answer. I don't know where he was raised. He lived with Dr. Ryan, in Cumberland county, Kentucky, awhile. I know of no home or place of residence that he ever had in Tennessee. He told me he went there and stayed four or five years, and married there.

By same. What are your politics, and for whom did you vote at the last August election?

Answer. I voted the opposition ticket straight out.

By Mr. Anderson's counsel. Where did J. G. Murphy vote at the late August election, and for whom for Congress; and where did he reside at said election?

Answer. He voted at the Whetstone precinct of this county, and for James S. Chrisman for Congress, as I see from looking at the poll-books. He resided, I think, at his father's, in the Elliott precinct of this county. I saw him there sick on the day of the election.

By same. Is he or not a man without family, and did he have any other home at said election beside his father's, and is there any other J. G. Murphy living in the Whetstone precinct, beside the one spoken of?

Answer. He has no family that I know of, and he had no other home beside his father's, at said election, that I know. I don't think there is, or was at the recent election, any other J. G. Murphy living in said precinct, beside the one spoken of.

By Chrisman's attorney. Do you know where the said Mr. Murphy's home was last August election? If you do, how do you know?

Answer. I don't know where his home was at the last August election, unless it was at his father's. He was there then and has been there ever since.

How do you know he has been there ever since?

Answer. I live within two or two and a half miles of his father's; have seen him there frequently; if he has had any other home I know nothing about it, since the election.

By same. Did he or not live and keep house and make a crop in the Whetstone or Bowman precinct, in which he is supposed to have voted this present year, 1859?

Answer. He lived in said Whetstone precinct, and kept house there and started to raise a crop there. I saw him at his father's on the day of the August election, which was the first I saw of him there after he commenced his said crop, which was on his cousin James Murphy's land, in the Whetstone precinct.

By same. Do you know when he left the said place where he commenced his crop as you have said?

Answer. I was not there to see him leave; I know nothing about when he left.

By same. Did he or not rent the land on which he farmed, for this present year entire?

Answer. I never heard him say.

By same. Did he or not leave the place where he was living, before the election, and remain away ever since?

Answer. He did, and has never been back there since, that I know of.

R. T. ALLEN.

Also the deposition of A. B. Cheatham, taken on the same day, at the same place, to be read as evidence in the contest mentioned in the caption, who, being of lawful age and first sworn, states in answer to interrogatories:

By W. C. Anderson's attorney. What is your age and occupation?

Answer. I am forty years old and clerk of the Cumberland county court.

By same. Is or not the poll-book of the Whetstone or Lawson district, for the year 1859, on file in your office? If so, will you make a copy of the same a part of your deposition.

Answer. The poll book of the Lawson district, or Whetstone district, is on file in my office, a copy of which is herewith filed and referred to as part of this deposition. Said copy is signed by me with the seal of the said court, and marked on the last page first above my certificate, (Z.)

By the same. Are you or not acquainted with Thomas A. Vaughan, who voted at the last August election, for William C. Anderson for Congress?

Answer. I am.

By same. Do you or not know any other Thomas A. Vaughan than the one you have alluded to, and did you or not see and hear him vote at the said election?

Answer. I know of no other Thomas A. Vaughan, and he voted at the last August election for William C. Anderson for Congress.

By same. Was or not said Vaughan convicted and sentenced to the penitentiary, a few years since; and has there or not ever been any other Thomas A. Vaughan, or any other Vaughan, sentenced to the penitentiary for the last twenty years, from this county?

Answer. Said Vaughan was convicted and sentenced to the penitentiary some years since, and I know of no other Vaughan that has ever been sentenced to the penitentiary.

By same. How long have you been a resident of this county?

Answer. Forty years, except two years.

By same. Were you or not clerk of the election in August, 1858?

Answer. I was not.

N. B. CHEATHAM.

Also the deposition of Robert C. Logan, taken at the same place and for the purposes mentioned in the caption, and on the 22d day of December, 1859, who, being of lawful age and first sworn, states in answer to question :

By Mr. Anderson's counsel. Were you or not present at the Kettle Creek precinct of Cumberland county at the recent August election? If so, state who recorded the votes at said precinct.

Answer. I was present at the last August election at the Kettle Creek precinct from and before the polls were opened up to about two o'clock in the evening. Mr. Thomas Q. Watkins was the clerk of the election, and recorded about twelve or fourteen of the first votes cast, and Calvin C. Hughes, one of the judges, recorded the balance of said votes during the time I remained there; most of the votes given were cast before I left there. I am acquainted with the handwriting of said Hughes from having seen him frequently write, and all the votes except about twenty-five are recorded in his handwriting.

By same. State if you know the politics of said Hughes, and whether or not the mistake made at said precinct against Chrisman is or not in the handwriting of C. C. Hughes.

Answer. C. C. Hughes is a democrat, and the mistake made in the poll-books of said district is in the handwriting of said Hughes.

By same. Were you or not present when C. C. Hughes first commenced recording the votes at said election; and did the clerk, judge, and sheriff of said election consent to said Hughes' recording the votes, or authorize him to do so?

Answer. I can't state whether I was or not; I was near the door when the votes were taken from the time the polls were opened until I left there about two o'clock, with intervals of a few moments at a time; I heard no consent by any of the officers for said Hughes to take down the votes.

By same. How long have you been clerk of the Cumberland circuit court, and how long have you been residing in this county?

Answer. I have been clerk of the Cumberland circuit court since June, 1851, and have resided in this county since January, 1846.

By same. Do you know of but the one Thomas A. Vaughan being convicted to the State prison from this county during that time?

Answer. No other Thomas A. Vaughan has been convicted to the penitentiary since I have been clerk or since I lived in this county.

By same. Are you or not acquainted with John Johnson, John J., generally called James Smith, and Jacob Dulworth? If so, when and for whom did they vote at the late election for Congress? State if there are any other men by their names besides these, living in Kettle Creek precinct of Cumberland county, or was at the late election.

Answer. I am acquainted with John Johnson, son of Juisey Johnson, and also John J. Smith, commonly called James Smith, who lives on Hendrick's creek, and with Jacob Dulworth, and each of them voted at the Kettle Creek district at the last August election for James S. Chrisman for Congress. There was no other men by the names of Jacob Dulworth and John J. Smith living in said district so far as I know. I know a man by the name of John L. Johnson who lives in the upper part of the said district, but he voted for William C. Anderson for Congress at said election.

By same. State all you know about Jacob Dulworth not being a legal voter at said election.

Answer. I know that said Dulworth, with his brother, left here some twelve or eighteen months since, or probably before, for California, and at the last May election, in the Kettle Creek district, I saw him, and he told me that a short time before that he had returned from California.

By same. Where and for whom did William Sevier vote at the late August election for Congress; and is there, or was at said election, any other man by that name living in the district where he voted beside himself?

Answer. William Sevier voted at the last August election at the Kettle Creek district for William C. Anderson for Congress, and there is no other man who is a voter in said district of which I have any knowledge by that name.

By same. Are you or not well acquainted in the Kettle Creek precinct of this county?

Answer. I am; there are but few voters in said district with whom I am not acquainted.

By same. Where does John J. or James Smith live, and did live at said election? Did he or not live on the Tennessee side of the reputed line recently run by commissioners from Tennessee and Kentucky, selected to remark the line between said States?

Answer. John J. Smith lives on Hendrick's creek, and he lives on the Tennessee side of the late line run by the commissioners appointed by the States of Tennessee and Kentucky to remark the line between said States, if I have been correctly informed where said line runs; I have never seen the line as run by said commissioners, but general report places said Smith on the Tennessee side of said line.

By same. Did or not James S. Chrisman, when taking his own proof in this county, state that he was going to send a man at the taking of Anderson's proof to consume time in the cross-examination?

Answer. He did.

By Chrisman's attorney. Did he or not say, also, that M. H. Owsley, who cross-examined his witnesses at this place, Burksville,

Kentucky, cross-examined by asking many impertinent questions to consume time?

Answer. He said that he was asking questions to consume time, but don't recollect that he said they were impertinent.

By same. Was or not Jacob Dulworth, of whom you have spoken, a young man without a family; and did he or not go with the avowed intention of returning?

Answer. He was a young man without family; I do not know his intention in going to California.

By same. Was or not the said Dulworth raised in this Cumberland county; and are not his parents still here?

Answer. He had been living in this county ever since I knew him, which has been ten or twelve years, and his parents then resided in this county, and still reside in said county.

By same. Are you or not opposition in your politics?

Answer. I am, and voted for William C. Anderson at the last August election for Congress, and for Samuel H. Boles, democratic candidate for State senator, who was opposed to William A. Hoskins, a clever gentleman, a man of talent, and an oppositionist; and as others, whose depositions Mr. Chrisman took, have given their reasons for voting for Chrisman against Anderson, I suppose I may be pardoned for doing so. I voted for Anderson against Chrisman first, because I liked Anderson politically and personally better than Chrisman; secondly, because I never have, never will, nor never can vote for any man who, in a public speech, makes assertions and charges, and then attempts to prove them by negro testimony.

R. C LOGAN.

Also the deposition of Samuel Lewellin, taken on the same day, at the same place, to be received as evidence in the case mentioned in the caption, who, being of lawful age, and first sworn, states, in answer to interrogatories by William C. Anderson's attorney:

State if you know Samuel Sparks, who voted for Chrisman at the last August election in Burksville.

Answer. I do.

By same. State when and under what circumstances he came to this county?

Answer. I employed him to come here to work at the carpenter's business; he came here the 3d of January last.

By same. State whether or not, while he was working for you, he had any settled home, and did he or not work at any place in the county where you had work to do and directed him to go?

Answer. He had no settled home, and worked wherever I directed him to go.

By same. Did he or not several times during the time he worked with you get sick; and if so, did he remain here, or where did he go?

Answer. He was sick several times while he was here, and he went to his brother-in-law's or friends in Adair county.

By same. Whenever he was not employed by you, did he or not leave the district and county and go to Adair?

Answer. That is what he told me he was going to do.

By same. Where is he now ?

Answer. I don't know.

By same. Did he or not tell you he was going to Adair county when he left here last ?

Answer. He did.

By same. Had you or not the right to discharge said Sparks at any time while he lived with you ; and while he remained in employment, had you or not the right to control his place of residence ?

Answer. I had the right to discharge him at any time, and while he remained in my employment I had the right to control his place of residence and did control it, and kept him in this district for sixty days before the last August election.

By same. Where did said Sparks come from when he came here to work with you.

Answer. From Glenn's fork in Adair county.

By same. Was or not Samuel Morrison employed by you on the same terms as said Sparks, and did he or not come from Adair county and return there to vote, and was he or not working for you up to the last August election, and did he or not return and work for you after said election.

Answer. I answer the whole of said question in the affirmative.

By Chrisman's attorney. How long before the last August election did the said Samuel Sparks reside and make his home in the Burksville precinct No. 1 of Cumberland county, in which he voted.

Answer. He was a resident of Burksville, Cumberland county, Kentucky, from about the 10th of April until now, except the times he went to Adair, after he would get sick, as I have stated.

By same. Had he any home but Burksville from April last until the August election ?

Answer. I don't know, but I expect not ; I can't say positively.

By same. Do you or not control his residence as you have stated while he stays with you, and is he or not living with you to learn the carpenter's trade ?

Answer. Certainly I do control his residence ; he is hired by the month at the rates of so much a year. There is no arrangement as to how long he is to remain ; he could leave me any day. I pay him for the year 1859 at the rate of \$120 per year, and for 1860 by the day.

By same. Was he absent at all from the Burksville precinct for sixty days next before the last August election ?

Answer. I can't recollect.

By same. Are not his parents dead, and were before you hired him ?

Answer. They were.

By same. Has he any estate or property anywhere ?

Answer. None that I know of.

By same. Did he or not remain with you a part of the time while he was sick ?

Answer. He stayed in Burksville, Cumberland county, Kentucky, while sick a part of the time.

By same. Did you or not live in the town of Burksville, Cumberland county, Kentucky, and did for how long before the last August election ?

Answer. I do ; and had lived in the Burksville precinct No. 1, in Cumberland county, for ten months or more prior to this time, but not in town until since the election.

By same. Are you or not of opposition politics ?

Answer. I voted with the opposition, except for S. H. Boles, democrat.

By Mr. Anderson's attorney. When you state said Sparks was a resident of Burksville, do you or not only mean that he was working for you from the 10th of April until now, and do you know where he claimed his residence ?

Answer. I only mean he was working for me in this precinct ; I don't know where he claimed his residence.

By same. Can you say that Burksville was his home from last April, and is it or not a mere opinion of yours ?

Answer. I can't say whether Burksville was his home or not, it is a mere opinion

By same. Did said Sparks, while working with you, make your house his home, or did he or not board and sleep and live wherever he worked ?

Answer. He did not make my house his home, but boarded at and slept wherever he was at work.

By same. Did he or not work in other districts than this while he was employed by you ?

Answer. Yes, he did, but not after he came to town to work.

By same. Is or not Samuel G. Morrison hired by you for the next year in the same way that Sparks is ?

Answer. Yes, he is.

By same. When Sparks was sick, or at other times when he would go to Adair, did he or not speak of going home ?

Answer. Yes, sir ; he always called it home.

By Mr. Chrisman's attorney. Where did he keep his clothes and washing while at work with you ?

Answer. He kept his clothes and washing wherever he boarded and worked, and I paid for his washing ; my employers were to board my hands in the contracts.

By same. Do you know of any one place that he went to more than another in Adair county when he would leave you occasionally, as you have stated ?

Answer. No, sir ; I don't.

By Anderson's counsel. Did or not said Sparks vote in Burksville at the last August election ; and if so, for whom did he vote for Congress ?

Answer. He did ; said Sparks told me he voted in the Burksville district for James S. Chrisman, and I see his vote so recorded on the poll-books.

SAMUEL LEWELLIN.

Adjourned until to-morrow at nine o'clock at the court-house in Burksville, Kentucky.

JAMES HAGGARD,
Presiding Judge of Cumberland County.

Met pursuant to adjournment, December 23, 1859.

Also the deposition of J. S. Bledsoe, taken on the 23d day of December, 1859, at the place and for the purposes mentioned in the caption, who, being of lawful age and first sworn, states in answer to question :

By W. C. Anderson's counsel. Are you or not acquainted with John Wright ; if so, where and for whom did he vote at the recent election for Congress ?

Answer. I am acquainted with said Wright, and I see from examining the poll-books that he voted at district No. 1 (Burksville) of Cumberland county, Kentucky, and for James S. Chrisman for Congress.

By same. Is there any other man by that name, or was at the late August election, living in said district beside the one spoken of ?

Answer. I know of no other, and I reckon I know nearly all in said district.

By same. State all you know about said Wright not being a legal voter at said election ?

Answer. Mr. Wright came to see me sometime last winter and told me Wm. F. Owsley sent him to me to let him know if I would permit him to build on my land. He told me at that time that he could get work to do in this county, and if he could get a place he would bring his wife here from the State of Tennessee to live. I let him build a house on my land, and he brought his wife there either in the latter part of the winter or first of the spring of 1859 ; and he told me he brought her from his father's or father-in-law's in Tennessee.

By same. Are you or not acquainted with Joseph H. Bird ; if so, where and for whom did he vote for Congress at the late election ?

Answer. I am acquainted with said Bird, and I see, from looking at the poll-books, he voted in district No. 1 of Cumberland county, and for James S. Chrisman for Congress.

By same. State all you know of said Bird's living in this county prior to the last August election.

Answer. He came here sometime last spring and taught school, and remained about five months. He told me he came from Adair county, is my recollection.

By same. When he left here did he or not return to Adair county ; and did he ever live in this county prior to last spring ; and has he ever been back here to live any length of time since he left after concluding his school ?

Answer. My best recollection is he told me he was going back to Adair county. So far as I know he never lived here prior to last spring, nor since he left here.

By same. Is or not said Bird a single man ; and was there any other man of the same name, at the last election, living in district No. 1 of this county beside the one spoken of ?

Answer. He said he was a single man, and if there was any other

man by that name living in district No. 1 of this county, beside the one spoken of, I don't know it, and I don't think there was.

By same. Was there any such man as James H. Bird residing in Cumberland county at the late election ; and is or not Joseph H. Bird challenged by Anderson as James H. Bird ?

Answer. There was no such man as James H. Bird that I know of residing in this county at the late election ; and I don't know whether Joseph H. Bird is challenged by Anderson as Joseph H. Bird or not.

By same. How long had Bretton Smith, who voted at the Whetstone precinct, or district No. 3 of this county, and for W. C. Anderson for Congress, and who has been challenged by Chrisman as an illegal voter, been living in said district prior to the last August election ?

Answer. To the best of my recollection he had been living in said district prior to the last August election some twelve or eighteen months.

By Chrisman's attorney. Did or not the said John Wright live and reside in Cumberland county for many years prior to the time he spoke of bringing his wife from Tennessee ?

Answer. I understand from him that he resided with Benjamin Vaughan, of Cumberland county, Kentucky, the year or summer before he spoke of bringing his wife from Tennessee, as I have stated.

By same. Did he ever live in Tennessee himself ; and is it not true that he went from Cumberland county, Kentucky, to Tennessee and married, and afterwards brought her to Cumberland county, Kentucky, where they now reside ?

Answer. He informed me that he had lived in Tennessee. The first I knew of his living in Cumberland county, Kentucky, was when he lived with Benjamin Vaughn, as I have stated. He had his wife at Benjamin Vaughn's, and kept house there, I understood. I don't know about his marriage.

By same. Where did the said Britton Smith's family reside at the last August election ; in what voting precinct of Cumberland county, Kentucky ?

Answer. They, his wife and family, resided in district No. 1, or the town voting precinct of said county, and he voted in the Whetstone or Bowman's precinct of same county.

By same. How long had his family resided in the said town precinct prior to last election ?

Answer. From five to ten years, and still do.

By same. Was he or not in the Whetstone precinct, as you have stated, for the temporary purpose of selling liquors ?

Answer. I don't know his object. He had a liquor establishment there, and selling liquor was his business.

By Anderson's counsel. Did or not said Britton Smith live separate and apart from his family during the time you have spoken of his living in the Whetstone precinct ?

Answer. He did, so far as I know.

By Chrisman's attorney. Do you know that he did not visit his wife and family frequently in the time, and keep his clothes there ?

Answer. I don't know anything about that.

JOY T. BLEDSOE.

Also the deposition of Maston Glidewell, taken on the same day, at the same place, to be read in the contest mentioned in the caption, who, being of lawful age and first sworn, states in answer to interrogatories :

By Anderson's attorney. State whether or not you are the father of John M. Glidewell, who voted at the Whetstone or Lawson district in Cumberland county ; and if so, for whom did he vote at the last August election for Congress ?

Answer. I am his father, and he voted, as I am informed, for Wm. C. Anderson for Congress. I did not see him vote. He told me so.

By same. Was he or not born and raised in this county, and in the Whetstone district ?

Answer. He was.

By same. Did he ever live out of this county, except for temporary purposes, at any time ?

Answer. Only when he went to Tennessee to work.

By same. When he went to Tennessee, did he or not leave at your house hogs and other property, and tell you that he was only going there to work during the season, and would return in the fall ?

Answer. He did.

By same. Did he or not return before fall, and how long did he stay in Tennessee ?

Answer. He returned before fall. Don't think he was gone over three or four months.

By same. Did he or not leave his wife here, or in the district in which he voted, when he left ; and did he or not return ; and are they or not now living together in that district ?

Answer. He left his wife in that district when he left, and she remained in said district all the time ; and said John Glidewell returned, and he and his wife are still living in said district.

By same. Has said John Glidewell had any other home than this county, and the Lawson or Whetstone district ?

Answer. Never that I know of.

By same. Is there any other John Glidewell in said district ?

Answer. None that I know of.

By same. Have you or not been living in said district twenty or twenty-five years, and are you or not well acquainted in said district ?

Answer. I have been living there that long, and am as well acquainted in said district as any man, and there are but few voters in said district with whom I am not acquainted.

By Chrisman's attorney. When did he go and when return from Tennessee ?

Answer. He went last spring, 1859, and returned before the election last August.

By same. Where did his wife stay while he was in Tennessee ?

Answer. She stayed at her father's most of the time, and a part at my house, both in said precinct.

By same. Was there any difference between him and his wife before he left ; or what was the cause of his leaving ? Were they not separated ?

Answer. He told me there was a difference between them ; he did not tell me whether he would live with her any more or not ; she was

at my house when he left; he left a trunk, some hogs, and some clothes at my house; he told me he was going to Tennessee to work; I did not inquire into the matter of their difference, and don't know whether the intention was a final separation or not.

By same. Do you know how their difference was settled, or what brought them together?

Answer. I do not know.

By same. Had he any clothes made or washing done at your house during his absence?

Answer. I don't know whether he did or not.

By same. What are your politics?

Answer. Democratic.

By W. C. Anderson's attorney. Did or not said Glidewell and wife live together up to the time he left for Tennessee; and did he or not leave her at your house when he did leave?

Answer. They lived together until he started; and he left her at my house when he started.

By same. You have stated that said John left some of his property at your house when he started; now, did he sell any part of his property before he left?


Answer. He sold none that I know of.

By same. Did he take any property with him?

Answer. He only took the horse he rode and some of his clothing, so far as I know.

By same. Did you or not see him start?

Answer. Yes, sir. He left no land that I know of, and owned none that I know of anywhere.

his
MASTON  GLIDEWELL.
mark.

Also the deposition of Robert J. Cox, taken on the same day, at the same place, for the purposes mentioned in the caption; the deponent being of lawful age and first sworn, states, in answer to interrogatories;

By Wm. C. Anderson's attorney. State if you are acquainted with John Cooksey; if so, where and for whom did he vote for Congress at the last August election?

Answer. I am well acquainted with said John Cooksey; he voted at the Whetstone district; he voted for James S. Chrisman for Congress at the last August election.

By same. Where did said Cooksey live at the last August election?

Answer. He lived in Clinton county, at the widow Brown's.

By same. How long had he lived there?

Answer. I don't know.

By same. Was he or not living there before the election in last August?

Answer. He was.

By same. Are you or not well acquainted with said district; and is there any other John Cooksey in said district?

Answer. I am well acquainted with said district, and there is no other John Cooksey in said district that I know of.

By same. Did or not said Cooksey tell you that he had moved to Clinton, and had left some of his clothes in the Lawson district in order to get to vote?

Answer. He did.

By same. Are you or not acquainted with Britton Smith, who voted at the Whetstone or Lawson district: if so, for whom did he vote for Congress at the last August election?

Answer. I am well acquainted with him, and he voted for William C. Anderson at the last August election for Congress.

By same. State if you know where he lived, and how long he had lived there at said election.

Answer. He was living here when I came back to this county, and that was over a year before the last August election.

By same. Has he ever lived out of this county?

Answer. Never in my recollection. I have been living here some twenty years.

By same. Did he live with his family while living in said district?

Answer. He did not.

By same. Did he or not rent the place on which he lived, in the Lawson or Whetstone district, and hired the woman who lived with him to cook and wash for him?

Answer. He did.

By same. State all you know about John Glidewell's going to Tennessee and returning, and what he told you on that subject prior to last August election.

Answer. I know nothing about his going; and as he returned from Tennessee, he told me he had stayed longer than he had expected.

By same. How long did he stay in Tennessee?

Answer. Some four or five months I think.

By same. Was he or not born and raised in the Whetstone district, in Cumberland county?

Answer. He was.

By Mr. Chrisman's attorney. How do you know that John Cooksey lived at the widow Brown's, in Clinton county, at the August election?

Answer. I saw him there in July and in August, and in September, and I think in the forepart of June.

By same. What did he follow while at the widow Brown's?

Answer. Farming.

By same. Did he make a crop there?

Answer. He went there after the crop was pitched, and worked and helped to make it.

By same. Was he or not a young and single man?

Answer. He was.

By same. Who did he live with in the Whetstone precinct of Cumberland county, Kentucky, before the election?

Answer. I think he lived with John Scott.

By same. With whom did he live while he lived in the Whetstone precinct?

Answer. Benjamin M. Young.

By same. How long did he live at said Young's, and when did he leave there?

Answer. He lived there a year or so, and I think he left Benjamin Young's in April ; I won't be positive.

By same. How do you know that he left Young's at all, and when ?

Answer. I know by seeing him at John Scott's, and by his own language.

By same. Had he any property ?

Answer. He had a blind horse.

By same. Do you know that he ever removed his clothes from Benjamin Young's ?

Answer. I saw him carrying them, and went with him.

By same. Did or not said Britton Smith's family reside all the time he sold liquor in the Whetstone precinct in the Burksville precinct, No. 1, Cumberland county, Kentucky, and does he not now reside there with them ?

Answer. They lived during the time referred to in the question, in Scott's Bottom ; I don't know whether in the town precinct, No. 1, in Cumberland county, Kentucky, or not ; I don't know where the line runs.

By same. How far was his liquor establishment, at which he lived and sold liquor, from his family's residence ?

Answer. About seven miles, I reckon, part of the time, and a part about three and a half ; he moved his liquors several times—as many as three that I know of.

By same. Is he or not now living with his family at Scott's Bottom and quit selling liquor ?

Answer. I don't know.

By same. Did or not John M. Glidewell part with his wife upon some difficulty with her when he went to Tennessee ?

Answer. He told me he went off on account of a fuss between him and Brook ; he said he had no difficulty with his wife.

By same. What are your politics ?

Answer. Opposition.

ROBERT J. COX.

Also the deposition of M. L. Harris, taken on the 23d day of December, 1859, before the same person, at the same place, and for the purposes mentioned in the caption, who, being of lawful age and first sworn, states in answer to questions :

By Anderson's counsel. Are you or not acquainted with the Britton Smith mentioned in the foregoing deposition of R. J. Cox ; if so, how long had he been residing in the Whetstone precinct of Cumberland county, where said Smith voted, prior to the late August election ?

Answer. He voted at the August election, 1858, in said precinct, and if he lived out of said precinct from that time until the August election, 1859, I don't know it.

By same. Was and is not said Smith very old, infirm, and a cripple ; and can he well get about ?

Answer. He is getting old and is infirm and a cripple, and can't get about very well. He did ride to the election in 1858.

By same. Were you or not the assessor to list the taxes for Cumberland county, Kentucky, for the year 1859?

Answer. I was.

By same. Did Samuel Sparks or Joseph H. Bird, who voted for James S. Chrisman in the Burksville precinct, district No. 1 of Cumberland county, list their taxes for the said year 1859?

Answer. I don't recollect of their listing, and I don't find their names in the copy of the assessor's books now on file in the Cumberland county clerk's office.

By same. Did A. J. Wilkinson, who voted at the Whetstone precinct of Cumberland county, and for J. S. Chrisman for Congress, list his taxes for the year 1859 in this county?

Answer. I don't recollect that he did, and I don't find his name on the copy of the assessor's books now on file in the Cumberland county clerk's office. I didn't take the whole list myself.

By Chrisman's attorney. Did you ever call on either of the three above-named gentlemen for their list?

Answer. There were some of Samuel Lewellin's and Thompson's hands I called on, and some, I don't recollect their names, told me their homes were not here. The hands of Lewellin, that were at work on a house in Burksville when I called on them, told me their homes were not in this county.

By same. Did or not Britton Smith's wife and family live in the town precinct, No. 1, while he, Smith, sold liquors in the Whetstone precinct, No. 3, and are they not now living together in the first-named precinct?

Answer. His wife and family lived in Scott's Bottom at the time, I suppose, in the town precinct, while he sold liquors in the Whetstone precinct; my politics are opposition.

M. L. HARRIS.

Also the deposition of A. G. Waggener, taken at the court-house in the town of Burksville, Kentucky, before James Haggard, presiding judge of Casey county, on the 23d day of December, 1859, and for the purposes mentioned in the caption of these depositions, who being of lawful age and first sworn, states:

Question by Anderson's attorney. Are you or not acquainted with Joseph H. Bird; if so, did you or not give W. C. Anderson his name as a voter whom he should challenge, and did you or not give his name as James H. instead of Joseph H. Bird?

Answer. I am acquainted with said Bird, and my recollection is I gave Anderson his name as a voter whom he should challenge, and gave it to him as J. H. instead of Joseph H. Bird, which last is his name.

By same. State all you know about said Bird not being a legal voter at the recent election.

Answer. I know that he came from Adair county to this for the purpose of teaching school last spring; he taught a little upwards of five months and left again.

By same. Are his parents living; if so, where do they and did they at the August election reside?

Answer. His parents are living and were at said election, and they lived in Adair county at the late election.

By same. While he was teaching school here did he or not frequently call Adair county his home ; and when he would be going to Adair, while here, would he or not say he was going up home ; and would he or not frequently say he was going to town to get a letter from home ?

Answer. He frequently spoke of going home to his father's, in Adair county, and did go, and he would say he was going to town to get a letter from his friends in Adair, that he wanted to hear from home.

By same. Where and for whom did he vote at the late August election for Congress ?

Answer. He voted for James S. Chrisman for Congress, in the Burksville precinct of Cumberland county.

By same. Is there any other man by that name, or was there at the late August election, living in the Burksville precinct of this county, and was there any such man as James H. Bird living in the said precinct at that time ?

Answer. I don't think there was ; in fact I know it; and there was but the one Bird in the district at that time.

By same. Where and for whom did Samuel Sparks, John Wright, Benjamin F. Farmer, John Neil, and G. J. Furquin vote at the recent August election ?

Answer. They all voted in the Burksville district of Cumberland county, Kentucky, and for J. S. Chrisman for Congress.

By same. Were there any other men by their names living in said district at said election ?

Answer. I think none ; and I think I know every man who lived in the district at that time.

By same. They have proven in the depositions that were taken here by Chrisman that you were one of the board of examiners to compare the polls for this county, and that you hesitated to send on to Frankfort a corrected certificate ; state the facts connected with that transaction so far as you are concerned.

Answer. I was one of the board of examiners for this county, and did hesitate to send on an amended certificate to Frankfort, because I had already sent one certificate, and I believed that my office in that respect had ceased, because the time prescribed by law for comparing the polls had passed, and I did not believe I had any right to send another, but was all the time willing to send on a corrected statement to the secretary of state.

By same. Did you ever discover said mistake until some time after the polls were compared ?

Answer. I did not until some eight days after the polls were compared, and so soon as I discovered the mistake I said I wanted to send some corrected statement of it.

By same. Did or not Samuel Sparks, Joseph H. Bird, and A. J. Wilkinson pay you their taxes as sheriff of Cumberland county, for the year 1859 ?

Answer. They did not.

By same. Are you or not sheriff of Cumberland county, and how long have you been, and were their names on the tax-books?

Answer. I am sheriff of Cumberland county, and have been acting as sheriff and deputy sheriff of this county for fourteen or fifteen years, and their names were not on the tax-books.

By same. Did they ever pay any taxes to you?

Answer. They never did.

By Mr. Chrisman's attorney. Was or not the certificate of the county board of examiners for Cumberland county, made out by you and N. B. Cheatham, erroneous, in the race between Chrisman and Anderson for Congress, and did it or not give and count for Anderson in all a majority over Chrisman of fourteen votes more than Anderson's true majority in said county?

Answer. We made a mistake in the performance of our duty as county examiners for Cumberland county; when all mistakes are corrected, as we did do in an amended certificate, Anderson's true majority for Congress in said county of Cumberland, at the last August election, is and was fourteen votes less than shown by our original certificate to the governor of Kentucky, &c., the State board of examiners; either thirteen or fourteen, I think fourteen.

A. G. WAGGENER.

STATE OF KENTUCKY, *Cumberland County, set:*

I, James Haggard, presiding judge of the Cumberland county court, certify that Wm. F. Owsley, Thomas S. Ellison, Wm. S. Matthews, James M. Cloyd, Joseph M. Baise, Robert Elliott, Thomas Rhomines, Reuben Hicks, Edward B. Pace, Thomas Romines, James M. Riddle, R. G. Cole, James H. Cheek, Jos. B. Alexander, M. Smiley, John L. Akin, Robert Allen, N. B. Cheatham, Robt. C. Logan, Samuel Lewellen, Jos. S. Bledsoe, Maston Glidewell, Robt. J. Cox, M. L. Harris, A. G. Waggener, being first sworn by me that the evidence they should each give in the action mentioned in the caption should be the truth, the whole truth, and nothing but the truth, testified as shown in the foregoing deposition, by them subscribed respectively; the statements of the witnesses were reduced to writing by the attorneys and agents for the parties, (by agreement of said attorneys,) except the statements of Wm. F. Owsley and R. C. Logan, which were reduced to writing by themselves in my presence; the statement of all the witnesses were reduced to writing in my presence, read to and subscribed by them in my presence. The depositions were taken at the court-house in Burksville, Cumberland county, Kentucky.

The depositions of Wm. F. Owsley, Thos. S. Ellison, Wm. S. Matthews, Jas. M. Cloyd, Joseph M. Baise, Robert Elliott, Thomas Rhomines, and Reuben Hicks were taken on the 20th of December, 1859; and the depositions of E. B. Pace, Tho. Rhomines, J. M. Riddle, R. G. Cole, James H. Cheek, were taken on the 21st day of December, 1859; and the depositions of J. B. Alexander, M. Smiley, John L. Akin, Robt. T. Allen, N. B. Cheatham, R. C. Logan, and Sam. Lewellen were taken on the 22d day of December, 1859; and the depositions of J. S. Bledsoe, M. Glidewell, R. J. Cox, M. L. Harris, and A. G. Waggener, were taken on the 23d day of December 1859.

Jos. E. Hays, attorney for James S. Chrisman, and M. H. Owsley, attorney, and R. C. Logan, agent, for Wm. C. Anderson, were present at the examination of the witnesses ; and Thos. C. Winfrey and John H. C. Sandidge, attorneys for Wm. C. Anderson, were present a part of the time.

Given under my hand this 23d of December, 1859.
JAS. HAGGARD, *P. J. C. C.*

STATE OF KENTUCKY, *Cumberland County, sct :*

I, N. B. Cheatham, clerk of the Cumberland county court, certify that James Haggard, whose name appears to the foregoing certificate, is, and was at the time of signing the same, and taking the said depositions, presiding judge of the Cumberland county court, duly elected, commissioned, and sworn, and that his certificate is in due form of law, and his signature is genuine.

In testimony whereof, I have hereunto subscribed my name and
[L. s.] affixed the seal of said court this 23d day of December, 1859.
N. B. CHEATHAM, *Clerk.*

STATE OF KENTUCKY, *Cumberland County, sct :*

I, James Haggard, presiding judge of the Cumberland county court, certify that N. B. Cheatham, whose name appears to the foregoing certificate, is, and was at the time of signing the same, clerk of the Cumberland county court, duly elected and sworn, and that all his official acts as such are entitled to full faith and credit, and that his certificate is in due form of law, and his signature genuine.

Given under my hand this 23d of December, 1859.
JAS. HAGGARD, *P. J. C. C.*

Costs.

Judge taking twenty-five depositions.....	\$12 00
Judge issuing five subpœnas, 20 cents each.....	1 00
Judge issuing two orders of arrest.....	50
Judge's certificate.....	25
Witnesses' fees and mileage.	60 25
Sheriff summoning forty-nine witnesses.....	9 80
Sheriff serving attachments on three witnesses.....	1 50
Exhibits.....	2 50
County clerk.....	1 25
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JAS. HAGGARD, *P. J. C. C.*

The deposition of James Haggard, taken before E. L. Miller and William J. Dixon, justices of the peace for Cumberland county, Kentucky, at the court-house in town of Burksville, county and State aforesaid, on the 20th day of December, 1859, to be read as evidence in behalf of William C. Anderson in a case of contested election

now pending in the thirty-sixth Congress of the House of Representatives of the United States of America, wherein James S. Chrisman contests said W. C. Anderson's right to a seat in said Congress. The deponent being of lawful age and first sworn, states in response to questions by Anderson's counsel :

By Anderson's counsel. State whether you are or not presiding judge of the Cumberland county court ; and have or not all the depositions taken by Chrisman and Anderson been taken before you?

Answer. I am judge of the Cumberland county court, and have so far taken the depositions in this county between Anderson and Chrisman.

By same. Have you or not seen Anderson's notice to Chrisman, and is or not said Chrisman notified that the depositions to be taken in this place, commencing on the 20th of this month, will be taken before you?

Answer. I have seen said notice, and the depositions are to be taken before me.

By same. Are you or not acquainted with John Cooksey ; if so where and for whom did he vote at the late August election?

Answer. I am acquainted with said Cooksey, and he voted at precinct No. 3 of Cumberland county, and for James S. Chrisman for Congress. I saw him vote.

By same. Is there any other John Cooksey, or was at said election, residing in district No. 3 of Cumberland county, beside the one spoken of?

Answer. There was none other that I know of.

By same. State all you know about John Cooksey's being an illegal voter.

Answer. He told me on the morning of the election that he lived at the widow Brown's, in Clinton county, Ky., a relative of his, and had been living there some two or three weeks.

By same. Did he or not claim, as the only grounds that entitled him to a vote in precinct No. 3 of Cumberland county, that he had left a coat at Benjamin Young's, where he formerly lived?

Answer. He did.

By same. State all you know about Britton Smith's being entitled to a vote in precinct No. 3 of Cumberland county, who voted for Anderson and has been challenged by Chrisman.

Answer. I know that he lived in said district eighteen months before the last August election. I heard him say that he had rented a house in said precinct, and hired two women to live with him.

By same. Did he or not tell you these facts before the last August election?

Answer. He did.

By same. Is or not said Smith very old, decrepid, and diseased ; and is he or not impotent and unable to perform family service?

Answer. He is very old, decrepid, and diseased, and from what I know of him and what he told me he is unable to perform family duties.

By same. Are you or not acquainted with Benjamin F. Farmer ; if so, where and for whom did he vote at the last August election?

Answer. I am acquainted with said Farmer, and he told me he

voted at the Burksville precinct of Cumberland county, and for James S. Chrisman for Congress.

By same. Is or not his vote challenged by Anderson? And is there any man by that name living in said precinct, or did at the last August election, beside himself?

Answer. His vote is challenged by Anderson, and there was no other man by that name living in said precinct at the late August election.

By same. State all you know about said Farmer not being a legal voter at said election.

Answer. He moved to Missouri, and took his family with him; I saw him before he left, and saw him after he came back.

By same. When did he go to Missouri, how long did he stay, and how long has he been back?

Answer. He moved to Missouri about two years ago, probably a little more; he stayed there nearly a year, and my recollection is he came back here last fall—1858.

By same. Did he tell you before the last August election that he had not been back long enough from Missouri to vote?

Answer. He did.

By same. Did he or not tell you he had settled in Missouri when he was out there? and did he or not dispose of all his property before he left this State for Missouri?

Answer. He told me he settled in Missouri when he was out there, and he disposed of all his property, real and personal, before he left this State for Missouri.

By same. Are you or not acquainted with John Neil; if so, where and for whom did he vote at the last August election?

Answer. I am acquainted with John Neil, and he voted at the town precinct, district No. 1 of Cumberland county, and for James S. Chrisman for Congress.

By same. State all you know of said Neil's not being a legal voter.

Answer. He lived in this district and moved to Clinton, and returned to this district, where he voted, as he told me, in the latter part of June, 1859.

By same. Did he or not run off from your farm before the expiration of his time with you, and take his family and effects to Clinton county?

Answer. He went off from me before the expiration of his time, and told me he took his family and effects to Clinton county.

Adjourned until to-morrow morning, at 8 o'clock.

WILLIAM J. DIXON, *J. P. C. C.*
E. L. MILLER, *J. P. C. C.*

COURT-HOUSE, *December 21, 1859.*

Met pursuant to adjournment.

E. L. MILLER, *J. P. C. C.*
WILLIAM J. DIXON, *J. P. C. C.*

By Anderson's counsel. Are you or not acquainted with Henry Grimes; if so, where and for whom did he vote for Congress in the late August election?

Answer. I am acquainted with said Grimes, and he voted in district No. 3, Bowman precinct, Cumberland county, and he voted for James S. Chrisman for Congress at the late August election.

By same. Was there any other Henry Grimes residing in said precinct at the last August election? and is there any such man as Henry Grimes living in that precinct, or did at the last election?

Answer. There was no other Henry Grimes residing in said precinct at the late August election, and there was no such man living in said precinct as Henry Grimes, so far as I know.

By same. Is or not the said Grimes challenged by Anderson as Henry Grimes?

Answer. I don't know.

By same. State all you know about said Grimes not being a legal voter at said election?

Answer. He was bound an apprentice to Dr. J. B. Ryan, of Cumberland county, in 1852; and in 1856, at the August term of the Cumberland county court, said Ryan released him. Said Grimes left this county, as he told me, to go to Tennessee to live, and I never saw him here any more until the last August election.

By same. Did he or not tell you at said election he had been living in Tennessee?

Answer. He did.

By same. Are you or not acquainted with William Wright, whose vote is recorded on the poll-books of the Marrowbone precinct for W. C. Anderson, and whose vote has been challenged by Chrisman? If so, state all you know about his being a legal voter at said election.

Answer. I am acquainted with Mr. Wright, and I see, from looking at the poll-books, he voted at the Marrowbone precinct of Cumberland county, and for W. C. Anderson for Congress. He lived in Cumberland county at Jo. Gray's, in the precinct where he voted at the August election, 1858.

By same. State all you know about the John Wright mentioned in the depositions of Mr. F. Owsley and T. S. Ellerson being an illegal voter at the late August election.

Answer. My recollection is that this winter a year ago said Wright came to me and wanted to rent a place from me, and said he wanted to move here, that his family was in Tennessee.

By same. State whether or not James E. Hays is here representing James S. Chrisman, and whether said Hays did or not refuse to permit you to make a statement with the depositions taken here; also state if said Hays did or not agree that the attorneys might write the answers, in order to facilitate the taking of this deposition.

Answer. Mr. Hays is here representing James S. Chrisman, and said he was not authorized to consent to the taking of said deposition with the other deposition; and he agreed that the attorney, Owsley, might write the answers, and he, Hays, would make no objection to said deposition on that account.

By same. State whether or not said Hays has been present all the time of the taking of this deposition?

Answer. He has.

JAMES HAGGARD.

James S. Chrisman excepts to the reading of the foregoing deposition of James Haggard upon the following grounds and reasons, viz :

First. Because the persons before and by whom the deposition was taken are not authorized by the laws of the United States or the laws of the State of Kentucky to take depositions in such cases, and the oath administered by one of them is therefore extra-judicial.

Second. Because he hath had no notice of the time and place of the taking of the said Haggard's deposition.

Third. Because he hath had no notice of the persons before whom the said deposition would be taken.

Fourth. Because the said persons before whom the said statement was made are not judges of a court of record.

STATE OF KENTUCKY, *Cumberland County, sct :*

We, E. L. Miller and William J. Dixon, two acting justices of the peace in and for Cumberland county, certify that James Haggard, being first sworn that the evidence he should give in the action or controversy mentioned in the caption should be the truth, the whole truth, and nothing but the truth, testified as shown in the foregoing deposition by him subscribed. The statements of the witness were reduced to writing by the attorneys for the parties (by the consent of the said attorneys) in the presence of said witness, and read to and subscribed by him in our presence. Said deposition was taken at the court-house in Burksville on the 20th and 21st days of December, 1859, for the purposes and in the controversy mentioned in the caption.

M. H. Owsley, attorney, and R. C. Logan, agent, for William C. Anderson, and James E. Hays, attorney for James S. Chrisman, were present at the examination of the witness.

Given under our hands this 21st day of December, 1859.

WILLIAM J. DIXON, *J. P. C. C.*

E. L. MILLER, *J. P. C. C.*

STATE OF KENTUCKY, *Cumberland County, sct :*

I, N. B. Cheatham, clerk of the Cumberland county court, certify that E. L. Miller and William J. Dixon, whose names appear to the foregoing certificate, are, and were at the time of signing the same, acting justices of the peace in and for said county, duly elected, commissioned, and qualified, and that all their official acts as such are entitled to full faith and credit, and that their certificate is in due form of law.

In testimony whereof, I have hereunto subscribed my name and
[L. s.] affixed the seal of said court this 21st day of December,
1859.

N. B. CHEATHAM, *Clerk.*

STATE OF KENTUCKY, *Cumberland County :*

I, James Haggard, presiding judge of the Cumberland county court, certify that N. B. Cheatham, whose name appears to the foregoing

certificate, is, and was at the time of signing the same, clerk of the Cumberland county court, duly elected and qualified, and that all his official acts as such are entitled to full faith and credit, and that his certificate is in due form of law.

Given under my hand this 21st day of December, 1859.

JAMES HAGGARD,
P. J. C. C.

Costs.

Magistrates' fees, \$1 each.....	\$2 00
Witness two days.....	1 50
Clerk's certificate, seal, and tax on same.....	1 25
County judge's certificate	25
	<hr/>
	5 00
	<hr/>

E. L. MILLER, *J. P. C. C.*

Affiant, Robert C. Logan, states: That at an election held at the old residence of Eli B. Peticose, in district No. 4, in Cumberland county, Kentucky, on the 1st day of August, 1859, for State officers, members of Congress, &c., that he was present a portion of the day on which said election was holden at said precinct, and that C. C. Hughes, whose name appears to the certificate of the poll-books at said precinct, acted as one of the judges, and recorded a large majority of the votes at said election as clerk; and that a large majority of the votes on said poll-books are in said Hughes' handwriting.

R. C. LOGAN.

AUGUST 23, 1859.

Sworn to before me by R. C. Logan, August 24, 1859.

WILLIAM J. DIXON,
Presiding Judge for Cumberland County.

M. H. Owsley states: That he was present at an election held on the 1st day of August, 1859, at Eli B. Peticose's old residence, in district No. 4, in Cumberland county, a portion of the day, and was frequently present while the votes were being recorded; and C. C. Hughes, whose name appears as one of the judges of said election to the certificate of the poll-books, acted and recorded the votes as clerk, so far as he saw.

M. H. OWSLEY,

AUGUST 24, 1859.

Sworn to before me by M. H. Owsley this 24th day of August, 1859.

R. C. LOGAN,
Examiner for Cumberland County.

Poll-book of Whetstone precinct, Cumberland county, Ky., Aug. 1, 1859.

[illegible]

Whetstone precinct, Cumberland county, Ky.—Continued.

Voters' names.	OPPOSITION TICKET.											DEMOCRATIC TICKET.										
	J. F. Bell, governor.	Alfred Allen, lieutenant-governor.	Jas. Harlan, attorney-general.	Thos. S. Page, auditor.	Daugherty White, treasurer.	John B. Herndon, register.	Wm. F. Evans, supt. of public instruction.	D. R. Haggard, president of board of internal impt.	Wm. C. Anderson, Congress.	Wm. Hoskins, State senator.	R. M. Alexander, representative to State legislature.	B. Magoffin, governor.	Linn Boyd, lieutenant-governor.	A. J. James, attorney-general.	Grant Green, auditor.	J. H. Garrard, treasurer.	Thos. J. Frazier, register.	R. Richardson, supt. of public instruction.	J. P. Bates, president of board of internal impt.	Jas. Chrisman, Congress.	S. H. Boles, State senator.	
Thomas Lewis...	1	1	1	1	1	1	1	1	1	1	1										1	
G. P. M. Self.....	1	1	1	1	1	1	1	1	1	1	1											
John Booher.....												1	1	1	1	1	1	1	1		1	
Thomas Williams...	1	1	1	1	1	1	1	1	1	1	1											
A. V. Winfrey....	1	1	1	1	1	1	1	1	1	1	1											
Drewry Harris....												1	1	1	1	1	1	1	1	1	1	
Michael Martin...	1	1	1	1	1	1	1	1	1	1	1											
N. J. Cash.....	1	1	1	1	1	1	1	1	1	1	1											
J. S. Mackey.....												1	1	1	1	1	1	1	1	1	1	
J. A. Parrish.....	1	1	1	1	1	1	1	1	1	1	1											
C. Hutson.....												1	1	1	1	1	1	1	1	1	1	
M. L. Harris.....	1	1	1	1	1	1	1	1	1	1	1											
W. L. Wright.....												1	1	1	1	1	1	1	1	1	1	
H. M. Johnson....												1	1	1	1	1	1	1	1	1	1	
B. A. Campbell...				1				1	1		1										1	
W. K. Smith.....	1	1	1	1	1	1	1	1	1	1	1											
W. D. Parrish....												1	1	1	1	1	1	1	1	1	1	
Enoch Cox.....	1	1	1	1	1	1	1	1	1		1											
M. R. Williams..	1	1	1	1	1	1	1		1										1		1	
Caleb Williams...										1	1	1	1	1	1	1	1	1	1	1		
B. M. Young.....	1	1	1	1	1	1	1	1	1	1	1											
William Smith..	1	1	1	1	1	1	1	1	1	1	1											
E. B. Smith	1	1	1	1	1	1	1	1	1	1	1											
A. J. Nelson.....												1	1	1	1	1	1	1	1	1	1	
Maston Glidewell.												1	1	1	1	1	1	1	1	1	1	
J. A. Riddle.....												1	1	1	1	1	1	1	1	1	1	
J. M. Riddle.....												1	1	1	1	1	1	1	1	1	1	
Peter Brents....												1	1	1	1	1	1	1	1	1	1	
John Gilbert.....	1							1	1		1										1	
Wm. Farr.....	1	1	1	1	1	1	1		1		1										1	
Phillip Cash.....	1	1	1	1	1	1	1	1	1	1	1											
W. H. Williams..	1	1	1	1	1	1	1	1	1	1	1											
John Lackey.....	1	1	1	1	1	1	1	1	1		1											
James Molton....	1							1	1		1										1	
J. M. Glidewell..	1	1	1	1	1	1	1	1	1	1	1											
W. Petty.....												1	1	1	1	1	1	1	1	1	1	
W. J. Self.....	1							1				1								1	1	
J. P. C. Ferns...	1							1				1								1	1	
Brittan Smith....	1	1	1	1	1	1	1	1	1	1	1											
O. R. Murphy....												1	1	1	1	1	1	1	1	1	1	
Elias Wells.....	1	1	1	1	1	1	1	1	1	1	1											
J. G. Murphy.....												1	1	1	1	1	1	1	1	1	1	
J. J. Murphy.....												1	1	1	1	1	1	1	1	1	1	
W. M. Campbell..				1				1	1			1	1	1	1						1	
Gideon Pharis...												1	1	1	1	1	1	1	1	1	1	
George Young....												1	1	1	1	1	1	1	1	1	1	
W. A. Riddle.....												1	1	1	1	1	1	1	1	1	1	
John A. Young....				1								1	1	1		1	1	1	1	1	1	
Absolom Pharis...								1	1	1	1											
James Lackey...	1	1	1	1	1	1	1	1	1	1	1											
Elisha Lawson....												1	1	1	1	1	1	1	1	1	1	
Ephraim Esters..												1	1	1	1	1	1	1	1	1	1	
G. W. Johnson...	1	1	1	1	1	1	1	1	1	1	1											
Robert Reed.....	1	1	1	1	1	1	1	1	1	1	1											
Cyrus Wells.....	1	1	1	1	1	1	1	1	1	1	1											
J. F. Hunter.....	1	1	1	1	1	1	1	1	1	1	1											
J. A. Smith.....												1									1	
Reuben Hicks....	1			1				1	1			1										
Sheder'k Williams												1	1	1	1	1	1	1	1	1	1	
J. A. Bowman....												1	1	1	1	1	1	1	1	1	1	
A. J. Haden.....												1	1	1	1	1	1	1	1	1	1	
	52	47	47	51	45	46	46	69	54	35	87	75	73	73	70	72	72	72	64	73	58	

We, the undersigned, do certify that at the election in district No. 3, held at the mouth of Whetstone on the 1st Monday of August, 1859, the votes stand as above.

J. A. BOWMAN, Clerk.

REUBEN HICKS.

SHEDERICK WILLIAMS.

Z.

STATE OF KENTUCKY, *Cumberland County, sct :*

I, N. B. Cheatham, clerk of the Cumberland county court, do certify that the foregoing poll-books, containing the votes and certificate of the officers at the Whetstone precinct, in district No. 3 of Cumberland county, Kentucky, is a true and perfect copy in manner and form of the votes, certificate, and signatures of officers as they appear upon the original poll-books for said precinct, and were taken therefrom, which is now on file in my office.

[L. s.] Witness my hand and seal, as clerk of the said court, this 24th day of August, 1859.

N. B. CHEATHAM, *Clerk.*

STATE OF KENTUCKY, *Cumberland County, sct :*

I, James Haggard, presiding judge of the Cumberland county court, certify that N. B. Cheatham, whose name appears to the foregoing certificate, is, and was at the time of signing the same, clerk of the Cumberland county court, duly elected and qualified as such, and that all his official acts as such are entitled to full faith and credit, and that his certificate is in due form of law.

Given under my hand this 2d day of December, 1859.

JAMES HAGGARD, *P. J. C. C.*

M. T. CHRISMAN, agent for JAMES S. CHRISMAN :

I will, on the 9th day of January, 1859, before William Cloyd, presiding judge of the Taylor county court, at the court-house in Campbellsville, in addition to the persons of whom I have already notified you, take the depositions of John Griffin and Elisha Berry, who reside in Taylor county, to be read as evidence in the matter of contest now pending in the House of Representatives of the United States, in which you are contestant and I am contestee.

WILLIAM C. ANDERSON.

NOVEMBER 12, 1859.

Executed by delivering a true copy of the within notice to M. T. Chrisman, November 12, 1859.

J. M. WILLIAMSON,
Sheriff of Taylor County.

The deposition of John Griffin, taken on the 9th day of January, 1860, at the court-house in the town of Campbellsville, in Taylor county, and in the State of Kentucky, to be read as evidence on behalf of the contestee in the action of the contested seat in the House of Representatives of the Congress of the United States, wherein James S. Chrisman is contestant against William C. Anderson, contestee. The deponent being of lawful age, and first by me duly sworn, states and deposes as follows, to wit :

Question by contestee. State the place of your residence, and whether

or not you voted in the year 1859 ; and if so, state at what place, and for whom, and state all about it.

Adjourned until to-morrow morning at nine o'clock.

WILLIAM CLAGET,
Presiding Judge of Taylor County.

Met pursuant to adjournment, at ten o'clock, on Tuesday, the 10th day of January, 1860, at the same place.

Answer. Has lived in Taylor county, Kentucky, for the last four years, except from the fall of 1858 until the 8th day of April, 1859 ; that he lived in the second district in Taylor county from said 8th day of April, 1859, until this time ; that he voted in said district for W. C. Anderson for Congress, at Saloma, the voting place in said district, at the August election, 1859, which was the place of his residence at that time.

And further saith not.

his
JOHN + GRIFFIN.
mark.

Also the deposition of Robert P. Sanders, sen., taken at the same time and place, and for the same purpose mentioned in the caption on being questioned by contestee, states :

That he is acquainted with James H. Ratliff, who voted at Saloma, in the second precinct in Taylor county, Kentucky, at the August election, 1859, for James S. Chrisman for Congress ; that said Ratliff had not lived in said district but little over one month, and not exceeding five weeks next, before he cast said vote ; that he had but recently moved from the county of Nelson or Bullitt to the county of Taylor at that time.

Witness is also acquainted with Milson Sympson, who voted at the Little Pinchem or first district in Taylor county, at the same election above stated, and for the same candidate ; that said Sympson had moved to Kansas Territory and had been gone for several months, and returned in the spring of 1859. Witness learned from said Sympson and others that when he left the State of Kentucky it was for the purpose of making his home in Kansas Territory ; there might have been a proviso if he liked, but he does not remember of any proviso being made.

Cross-examined.

States that Simpson was raised in Taylor county, and was hired all his life in that county except the time he was absent as before stated ; he is a single man.

By contestee, says : He knew one Redding, who voted for Major James S. Chrisman at the Saloma precinct ; that he had been living in said precinct but about two weeks next before he voted ; that he was a single man, without fixed homes or habits, except drunkenness ;

says the said Redding had been in Taylor county a portion of two years; listed in Taylor county one year.

And further saith not.

R. P. SANDERS.

Also the deposition of Thomas E. Cowherd, esq., taken at the same time and place, and for the same purposes mentioned in the caption:

On being questioned by contestee, states: That he was one of the judges of the August election, 1859, at Saloma, in the second precinct in Taylor county, Kentucky; that he knows one Redding, who voted for Major James S. Chrisman at that election; that said Redding refused to be sworn, and said he would not be sworn for a vote; witness objected to his vote being taken at the time. Does not remember the first name of said Redding, but he was the only Redding who voted at that precinct at that election. That W. Sullivan voted at the May election; and that Sullivan also voted at the said August election, and voted for Major J. S. Chrisman. That A. Lindsay offered to vote at the said August election, but was refused his vote; does not remember by whom the objections were made.

Cross-examined.

States: Had no acquaintance with Redding, but knew him by sight; he is a blacksmith.

And further saith not.

F. C. COWHERD.

Also the deposition of William T. Martin, taken at the same time and place, and for the same purposes named in the caption; on being questioned, says:

Witness says he was born and raised in the present boundary of Taylor county; that he voted here at the last August election; his mother resides in this town, and witness always considered his mother's his home; had his washing done at his mother's all the time; never voted at any other place; voted for W. C. Anderson at last August election; lists and pays taxes in Taylor county and town of Campbellsville, and nowhere else; has not paid his tax for the year 1859 for the town, and is twenty-one years of age; he failed to list for the town taxes; has had no application to do so; is ready and willing to list and pay his town taxes at any time.

Cross-examined.

Says: He may have made the remark to S. W. Bailey that he would never come back to Campbellsville to live, but he always intended to return.

By contestee: Says he was absent from home a short time in the spring and summer of 1859, and doing business in the town of Lisbon for one Lawrentine McClellanand, who also resides in Campbellsville.

And further saith not.

W. T. MARTIN.

Also the deposition of John H. Spratt, taken at the same time and place, and for the same purpose mentioned in the caption; after being first sworn or being questioned by contestee, states :

That he is acquainted with Henry Shoffner, jr., who voted for Major James S. Chrisman for Congress at the last August election, 1859, at the first or Little Pinchem district, in Taylor county, Kentucky; that said Shoffner came to his house in the latter part of June, 1859, or the first of July, with dirty clothes on, and witness asked him where he got his washing done, to which Shoffner answered that his clothes were in Bullitt county; that he lived in Bullitt; that he could get a dollar a day for work there, and that was more than he could get here; that witness' nephew, Thos. Spratt, hired said Shoffner to work two weeks, but was taken sick the first day he worked, and did no more; rather think that Shoffner told him he had been but a few days from Bullitt county when he first saw him, which was the time above named, and it is witness' impression and best recollection that Shoffner told him he lived in Bullitt county at that time; that he is well acquainted with Robert Buchanan, whose vote is challenged; that said Buchanan has lived in the first or Little Pinchem district for the last four years; that he voted for William C. Anderson at the last August election in that district, where he has been voting all the time since he has become a legal voter in this State, say two or three years; witness has lived in the same district for the last twenty years.

Cross-examined.

States that he heard Milton Sympton say, after he returned from Kansas, that he went to locate a land warrant, but did not like the country and came home. And witness further saith not.

J. H. SPRATT.

Also the deposition of John Cox, sr., taken at the same time and place, and for the same purpose mentioned in the caption; after being sworn and on being questioned, states :

Answer. 'That he is the father of the Andrew B. Cox who voted for William C. Anderson at Morrisville, Taylor county, Kentucky, at the last August election, 1859; that he knows the age of his said son; that he was twenty-one years old on the 4th day of March, 1859, and was born and raised in the district in which he voted, and he is the same who is called A. B. Cox. And further saith not.

JOHN COX, SR.

Also the deposition of Wm. S. Matthews, taken at the same time and place, and for the same purposes named in the caption; being first sworn and questioned, states :

That Campbellsville is his home; that he has been absent from here on several occasions, driving a stage, but always came home to vote; had no right to vote at any other place; that he votes in the town elections, district elections, and State elections, at this place; that he

voted for W. C. Anderson for Congress at this place at the last August election. And further saith not.

WM. S. MATTHEWS.

Also the deposition of Alexander Lindsey, taken at the same time and place, and for the purposes named in the caption; on being questioned, states :

Does not know exactly at what time William Sullivan, jr., came to Taylor county ; that witness came to Taylor county in March, 1859 ; that Sullivan was here when witness came to Taylor county ; understood that he had been here a month or so before that time ; that he formerly lived in the State of Indiana, but came to Taylor county two years on a visit, and stopped at his grandfather's, (Wm. Parreott's, sr.,) and stayed about two months, and informed his relations that he intended to return to Kentucky and make it his home ; and left for Indiana to close up his business with the view of returning, which he did, but did not get back until the time stated above ; and that he offered to vote at Saloma, in the 2d district, Taylor county, Kentucky, at the August election, and would have voted for Wm. C. Anderson for Congress, but some objections were made, and he thinks the objections were made by the judges of the election ; that he has continued to reside in the said district ever since he has been in the State ; that he gave his list to commissioner to-day for the first time ; never paid tax in Kentucky.

Cross-examined.

States that he had resided in the State of Indiana for the last 13 years previous to the 1st of March last, but had been here in the time on a visit, as before stated, and had determined to come here to make his home, but did not come until the time above stated. And further it saith not.

ALEXANDER LINDSEY.

Robert P. Sanders, jr., recalled.

States that Thomas J. Kirtley lived in the 2d district in Taylor county, with William Burress and B. S. Gaddie, the most of the year 1859, and that Kirtley voted in the 4th district in said county at the August election, 1859 ; and that at the election said Kirtley voted for Major Jas. S. Chrisman for Congress ; and that he was in said 2d district until a week or two before the August election, 1859.

Contestant excepts to the above evidence of R. P. Sanders as to the evidence of T. J. Kirtley, because the said Kirtley's vote has not been challenged by W. C. Anderson in his specifications. And further saith not.

R. P. SANDERS.

Also the deposition of James M. Hodgen, taken at the same time and place, and for the purposes named in the caption ; after being first duly sworn, and on being questioned by the contestee, states :

That he is deputy clerk of Taylor county, Kentucky, and was at date of the last August election; that all the poll-books of Taylor county were brought into the clerk's office on the next day after the election and the day thereafter, but that the most of them were brought in on the first day after the election; and that each and all of said books were opened on the day that the same were received into the clerk's office, and were looked into to see how much the whole of each precinct was. And further saith not.

JAS. M. HODGEN.

STATE OF KENTUCKY, *Taylor County* :

I, William Cloyd, presiding judge of the Taylor county court, do certify that at the court-house in Campbellsville, in Taylor county, Kentucky, on the days mentioned in the caption thereof, the foregoing depositions of John Griffin, John H. Spratt, Thomas E. Cowherd, Robert P. Sanders, John Cox, William S. Matthews, William T. Martin, Alexander Lindsey, and James Hodgen were taken before me. The several witnesses were each sworn before making their statements; their statements reduced to writing in my presence and in their presence, and read over to them, and then signed by them in my presence; counsel for both Mr. Anderson and Mr. Chrisman were present all the time.

Given under my hand this 10th day of January, 1860.

WILLIAM CLOYD,
Judge of Taylor County Court.

This is to certify that William Matthews has enlisted his taxable estate and tithes with me, as commissioner for Taylor county, for the last five years.

Given under my hand this 17th day of December, 1859.

THOMAS JARBOE,
Commissioner for Taylor County, Kentucky.

Members of Congress—Official—August Election, 1859.

FIRST DISTRICT.

	Henry C. Burnett.	Wm. Morrow.
Fulton.....	442	140
Hickman.....	671	45
Ballard.....	718	97
McCracken. ...	699	217
Livingston.....	426	251
Graves.....	1,429	277
Calloway.....	1,221	118
Marshall.....	916	34
Caldwell.....	681	180
Lyon.....	433	48
Trigg.....	978	123
Union.....	857	318
Crittenden.....	753	234
Hopkins.....	1,316	166
	<u>11,540</u>	<u>2,248</u>

FOURTH DISTRICT.

	W. C. Anderson.	J. S. Chrisman.
Cumberland ..	652	368
Clinton.....	312	578
Wayne	741	831
Russell	497	432
Pulaski.....	1,214	1,375
Lincoln.....	935	440
Boyle	789	303
Taylor.....	357	648
Green.....	482	681
Adair.....	547	1,097
Casey.....	696	448
	<u>7,204</u>	<u>7,201</u>
Memo.		

SECOND DISTRICT.

	J. S. Jackson.	Sam'l O. Peyton.
Christian.....	987	1,057
Henderson.....	878	896
Daviess.....	1,242	1,448
Muhlenburg ..	883	1,070
Ohio	793	1,141
Hancock.....	421	474
Breckinridge..	921	708
Butler	509	555
Grayson.....	565	590
	<u>7,199</u>	<u>7,939</u>

FIFTH DISTRICT.

	Jno. Y. Brown.	J. H. Jewett.
Meade.....	500	337
Hardin.....	965	732
Bullitt	509	309
Larue.....	361	493
Marion.....	965	540
Washington..	609	900
Nelson.....	999	497
Mercer.....	1,168	358
Anderson.....	471	594
Spencer.....	380	306
	<u>6,927</u>	<u>5,066</u>

THIRD DISTRICT.

	F. M. Bristow.	W. W. Sale.
Todd.....	726	426
Logan	1,453	464
Simpson.....	407	537
Warren.	1,212	789
Edmonson.....	000	000
Barren.....	1,697	1,336
Hart	459	733
Monroe.....	663	581
Allen	547	709
	<u>7,164</u>	<u>5,575</u>

SIXTH DISTRICT.

	Green Adams.	Theo. T. Garrard.
Garrard.....	812	370
Madison.....	1,267	943
Rockcastle....	499	246
Laurel.....	429	374
Knox.....	807	314
Estill.....	556	493
Owsley.....	456	314
Clay.....	418	511
Perry.....	265	270
Pike.....	277	664
Letcher..	223	227
Whitley	715	313
Harlan.....	490	233

Floyd	427	673
Johnson	54	760
Breathitt	289	394
Jackson	170	132
	<hr/>	<hr/>
	8,164	7,231
	<hr/>	<hr/>

SEVENTH DISTRICT.

	Robert Mallory.	Thos. Holt.
Jefferson	4,256	3,324
Shelby	1,161	786
Henry	646	1,029
Oldham	353	536
	<hr/>	<hr/>
	6,416	5,675
	<hr/>	<hr/>

NINTH DISTRICT.

	L. T. Moore.	J. W. Moore.
Mason	1,274	875
Lewis	664	731
Greenup	1,163	854
Lawrence	809	496
Carter	484	832
Morgan	562	1,147
Montgomery ..	587	502
Clarke	935	412
Bath	743	1,040
Fleming	952	928
Powell	190	166
Rowan	142	244
	<hr/>	<hr/>
	8,505	8,227
	<hr/>	<hr/>

TENTH DISTRICT.

EIGHTH DISTRICT.		Thomas L. Jones.	John W. Stevenson.
Jno. M. Harlan.	Wm. E. Simms.	Trimble.....	179 474
Bourbon	965 684	Carroll.....	366 528
Harrison	926 1,317	Owen.....	415 1,439
Scott	732 1,062	Gallatin	382 492
Fayette	1,410 986	Grant.....	663 800
Woodford	634 468	Boone	826 970
Jessamine.....	598 587	Kenton	950 1,706
Nicholas.....	737 1,009	Campbell.....	689 1,242
Franklin	863 819	Pendleton.....	615 871
		Bracken	754 773

FRANKFORT, *August 29, 1859.*

We, Charles S. Morehead, governor, Mason Brown, secretary of state, and James Harlan, attorney general, certify that we have examined the returns of the election held the first day of August, 1859, made to the secretary of state, for the election of ten members to represent the State of Kentucky in the 36th Congress of the United States, commencing the 4th of March, 1859, and find that the result in the several districts is as follows:

IN THE FIRST DISTRICT.

Henry C. Burnett received 11,540 votes.
 William Morrow received 2,248 votes.
 And that Henry C. Burnett has been duly elected.

IN THE SECOND DISTRICT.

Samuel O. Peyton received.....7,939 votes.
 James S. Jackson received7,199 votes.
 And that Samuel O. Peyton has been duly elected.

IN THE THIRD DISTRICT.

Francis M. Bristow received.....7,164 votes.
 William W. Sale received.....5,575 votes.
 And that Francis M. Bristow has been duly elected.

IN THE FOURTH DISTRICT.

William C. Anderson received.....7,204 votes.
 James S. Chrisman received.....7,201 votes.
 And that William C. Anderson has been duly elected. (See at end.)

IN THE FIFTH DISTRICT.

John Young Brown received.....6,927 votes.
 Joshua H. Jewett received.....5,066 votes.
 And that John Young Brown has been duly elected.

IN THE SIXTH DISTRICT.

Green Adams received.....8,164 votes.
 Theophilus T. Garrard received.....7,231 votes.
 And that Green Adams has been duly elected.

IN THE SEVENTH DISTRICT.

Robert Mallory received.....6,416 votes.
 Thomas Holt received.....5,675 votes.
 And that Robert Mallory has been duly elected.

IN THE EIGHTH DISTRICT.

William E. Simms received.....6,932 votes.
 John M. Harlan received.....6,865 votes.
 And that William E. Simms has been duly elected.

IN THE NINTH DISTRICT.

Laban T. Moore received.....8,505 votes.
 James W. Moore.....8,227 votes.
 And that Laban T. Moore has been duly elected.

IN THE TENTH DISTRICT.

John W. Stevenson received. 9,295 votes.
 Thomas L. Jones received..... 5,839 votes.
 And that John W. Stevenson has been duly elected.

Memorandum.—The above certificate is based on returns regularly made out and certified by the respective boards of examiners on the day fixed by law, and duly returned to the secretary of state. An amended return was forwarded from Boyle county certifying that there was a mistake of four votes against W. C. Anderson, as appeared by a re-examination and scrutiny of the poll-books. Appended to this corrected return is a statement by the clerk, that after the examiners had given the certificate of the vote of the county, he, the clerk, had loaned the poll-books from his office to some gentlemen, who discovered the error which is attempted to be corrected, and reported it to the examiners, who, on re-examination, found it was so. After this, and after all the returns for the district were in, letters were filed with the secretary, stating that the examiners of Cumberland county had made a mistake in their certificate of the vote of that county, and time was asked to have it corrected. This was granted in order that all questions might be fairly made and a decision had upon the facts as they existed. An amended certificate from Cumberland county was accordingly forwarded to the secretary, stating that the vote of W. C. Anderson in that county was 650, and that of J. S. Chrisman 380. A certificate was also filed from the county of Adair, stating that there was a clerical mistake of one vote against Anderson.

We have felt constrained, in the exercise of our best judgment on the proper construction of the law, to reject all these amended returns, and to issue the certificate according to the original returns made to the secretary of state.

The law in relation to elections provides that the judges shall attend to the summing up of the votes, certify the poll-books, and deliver them in a *sealed envelope to the sheriff*. The same law requires that each judge shall retain a duplicate statement of the summing up of his precinct, which, in a contingency named, may be used as evidence of the vote. It also requires that the poll-books of the different precincts shall, within two days after the election, be deposited by the sheriff with the clerk of the county court, and on the next day thereafter the board of examiners shall compare them, ascertain the correctness of the summing up, and make out three written certificates in the case of a representative in Congress, certifying the number of votes given in the county for each of the candidates, one of which certificates is to be retained in the clerk's office, another forwarded by mail to the secretary of state, and the third sent to the secretary by any private conveyance. We, as a State board, are to act on the returns thus made, and make out triplicate certificates of those having the highest number of votes; and our functions as examiners do not more clearly cease when we have made our certificate of election than in our opinion do those of the county examiners after they have certified the full vote of the county. If this be not the just and proper construction of the law, why require the poll-books to be *sealed* up when they pass out of the hands of the judges of the election? If a correction can be made nine days after the poll-books are unsealed and open to the inspection of whoever may choose to examine them, or after they have been taken

out of the clerk's office, there would be but little efficacy in requiring them to be sealed in the first instance.

If such additional returns are legal, the State board of examiners would be bound to receive and act on whatever correction should be made before their certificates were given, and as their functions are confined to the summing up the votes, they would be precluded from any inquiry as to the manner in which such corrections were brought about. They could not institute an inquiry as to whether or not the poll-books had been changed or altered after the seals were broken and they had passed into other hands than the examiners. The amended certificates would, in all cases, necessarily be conclusive on the examiners here.

We think, therefore, it is clear, when the county board have acted on the poll-books of the whole county, and delivered their certificates to the clerk, who has transmitted them to the secretary, that their functions cease, and they have no power to recall or change those certificates.

The supposed analogy between this case and that of the special judicial election in 1857 will be found, on examination, not to exist. In that case, as in this, time was given for the correction of a supposed error in Meade county of twelve votes against Mr. Bullitt, so that a decision might be had upon the effect of such correction; but as the correction, if made and allowed, would not have changed the result of the election, no decision was had by the board on the question.

In the judicial election, the certificate first forwarded to the secretary from the county of Hart gave Wheat 122 votes. The State board of examiners, before this certificate was acted on, was notified that there was a clerical mistake in copying this certificate as to the number of votes cast for Wheat, and that the other two certificates, made out at the same time, contained the true number of votes, according to the poll-books. One of these certificates was transmitted to the secretary, showing that Wheat had received 222 votes, instead of 122. We thus had two original certificates, which were authorized by law to be sent to the secretary, and the question was which was right? The clerk and examiners made affidavit that the last one sent was an exact copy of the one on file in the clerk's office and contained the correct result of the poll-books, and our action was accordingly based on the last one.

The examiners of Nelson county first sent a certificate of the votes of that county, *stating on its face* that they had not included the vote of the Bloomfield precinct, as they had not received it. They afterwards forwarded an additional certificate, giving the vote of that precinct, which had, in due time, been delivered by the sheriff, under seal, to the deputy clerk, and by neglect had not been laid before the examiners. They did not attempt to make any change in the vote of the precincts which they had before certified, but certified the vote of the precinct thus returned under seal by them. The vote of this precinct was counted in favor of Mr. Bullitt, simply on the ground that as the law required the examiners to act on the books of each precinct, their duty did not cease until they had so acted. But in no

instance did they attempt to re-count the votes of any precinct after it had been once certified.

It is proper to add that a distinction was made at the time by the examiners between the case as presented by this special election and the correction of the poll-books after they had been certified by the county examiners, and the corrections were allowed on the express ground that it did not involve the legality of a rescruity and re-examination of the vote as certified. It may not be improper also to state that when the amended return from Boyle was filed, and before it was known what effect it was to have on the result, the opinion of the undersigned is known to have been averse to its reception.

Given under our hands this 29th of August, 1859.

C. S. MOREHEAD.

MASON BROWN,
Secretary of State.
JAMES HARLAN,
Attorney General.

KENTUCKY CONTESTED ELECTION.

FEBRUARY 27, 1860.—Referred to the Committee of Elections and ordered to be printed.

Mr. J. S. CHRISMAN: You are notified that at the law office of E. L. & J. S. Van Winkle, in the town of Monticello, Wayne county, Kentucky, on the 20th day of February, 1860, I will proceed to take the depositions of John Lewallen and Andrew Lewallen, who reside in Wayne county, Kentucky, to be read as evidence before the House of Representatives of the thirty-sixth Congress of the United States, in a contested election, wherein you contest my right to a seat in said House; and I will continue from day to day until the same is completed.

W. C. ANDERSON.

FEBRUARY 8, 1860.

We hereby waive any defect in this notice, and agree that the depositions taken under the same may be taken before W. M. Burton, presiding judge of the town of Monticello.

JAMES S. CHRISMAN,
By J. M. SANFLEY, *Agent*.
W. C. ANDERSON,
By VAN WINKLE, *Attorney*.

FEBRUARY 9, 1860.

Executed on James S. Chrisman by leaving a true copy of this notice at the usual place of abode of said Chrisman, he being absent.

F. BATES, *S. W. C.*,
By L. P. BAKER, *D. S.*

The Commonwealth of Kentucky to any constable of Wayne county:

You are commanded to summon John Lewallen and Andrew Lewallen to attend at the office of E. L. and J. T. Van Winkle, in Monticello, Wayne county, Kentucky, on the 20th day of February, 1860, to testify in a contested election now pending in the House of Representatives of the 36th Congress of the United States, wherein J. S. Chrisman contests the right of W. C. Anderson to a seat in said House.

Given under my hand this 8th day of February, 1860.

W. M. BENTON, *P. J. T. M.*

Executed in full February 20, 1860.

A. B. SLAVER,
Constable of Wayne County.

The depositions of John Lewallen and Andrew Lewallen, taken at the law office of E. L. and J. S. Van Winkle, in the town of Monti-

cello, Wayne county, Kentucky, on the 20th day of February, 1860, pursuant to notice herewith filed, to be read as evidence before the House of Representatives of the 36th Congress of the United States, in a contested election wherein James S. Chrisman contests the right of W. C. Anderson to a seat in said House; the witnesses being of lawful age and first duly sworn, testified as shown below:

Question by Mr. Anderson's agent propounded to Andrew Lewallen. Are you acquainted with Catharine Hill, the mother of Andrew Hill; and what is her general moral character?

Answer. I am acquainted with her; I never heard tell of her being sworn until since the last election. If she was mad at me I would fear her, but if she was friendly with me I should not be afraid.

By same. Would you believe her on oath if she had any interest at stake?

Answer. I would not, from what I have heard.

By same. Were you or not present some few days before she gave her deposition in the contested election case between Anderson and Chrisman and hear her say to J. J. Shepherd that she did not know what year her son Andrew was born in?

[J. S. Chrisman, by his agent, excepts to this question as being illegal, because Mrs. Hill was not questioned in regard to that fact. The exception is overruled by the examiner.]

Answer. Yes, sir; I did hear her tell J. J. Shepherd she could not for her life tell the day and date nor year he was born. I saw her some days after, and she said J. J. Shepherd had been at her house, and she could now tell the day and date of his age.

By same. What did James Davis say to you about living last summer in the Beaver Creek precinct?

Answer. He stated to me, a few days before the late August election, that he was just moving back from Beaver creek, which is in the third or fourth precinct of this county; that he had lived in a house there on the mountain, and lived there some time, but his wife's health was so bad that she could not live there; the water did not agree with her, and he had come back on her account.

By same. What do you know about Shadrach Blevins' residence?

Answer. I know that Shadrach claimed and worked in a blacksmith shop at his father's, in precinct No. 7, also a yoke of oxen and wagon; he worked a part of last season in Tennessee, and part of his time at his father's; he would pass my house on his road backwards and forwards frequently, sometimes once every two weeks, sometimes not so often, sometimes oftener; in coming from Tennessee he would have on dirty clothing, with a bundle of clothing in a handkerchief, and returning from his father's to Tennessee he had on clean clothing and a bundle of the same.

By same. Where does Shadrach Blevins stay?

Answer. He stays at his father's when he is not gone down the river, or to the coal banks, or some other place on business. I see him frequently there.

By same. How far do you live from his father's?

Answer. Something near one mile.

By same. Are you acquainted with William Dobbs, and what is his general moral character?

Answer. I have been acquainted with him for six years next March, and so far as I know it is good.

By same. How far do you live from him?

Answer. About five or six miles.

By Chrisman's agent. Have you ever heard Mrs. Hill testify on oath?

Answer. Never in my life.

By same. Have you ever heard any one say that she was not entitled to credit on oath?

Answer. I have not.

By same. How, then, can you say "from what you have heard you would not believe her on oath?"

Answer. I heard three of my neighbor women say that she had told a barefaced lie on them. These are all the reasons I have for saying that I would not believe her on oath.

By same. In the conversation before alluded to did you not hear Mrs. Hill say that her son Andrew was twenty-one years of age?

Answer. Not the first time; she did the second time.

By same. Is there not some enmity existing between your family and the Hill family?

Answer. None that I know of.

By same. Where is Shadrach Blevins now?

Answer. I heard him say that he had got home; when I heard him say this he was at his father's sick; he had just returned from a trip down the river on a coal-boat; he said that he had brought my salt and his daddy's to the warehouse, and we could go and get it when we pleased.

By same. Where is Shadrach at this time?

Answer. I heard him say when he left his father's, week before last, that he was going to Tennessee to collect some money; he had not returned to his father's when I left this morning.

By same. How long had he been home from down the river before he left for Tennessee, as you have stated?

Answer. About three weeks.

By same. Whilst at his father's, previous to his going to Tennessee, did you hear him say his vote was challenged by Chrisman?

Answer. I don't think I ever heard him say anything about it.

By same. Do you know anything to prevent Shadrach Blevins from coming to town (Monticello) and giving his deposition in this contested election?

Answer. I know nothing about it.

By same. Do you know anything about the residence of Francis Winchester prior to the late August election?

Answer. I don't know anything about his residence.

By same. Is not Shadrach Blevins a young man, and unmarried?

Answer. I think he is a single man.

By same. Are you acquainted with Calvin Bell, son of Joseph Bell?

Answer. Tolerably well acquainted with him.

By same. Is his character good or bad?

Answer. It is good.

By same. For whom did you vote in the race for Congress at the late August election?

Answer. I did not vote; I was sick and did not go to the election.

By same. Who were you for, Anderson or Chrisman?

Answer. If I should have went to the election I would have voted for Anderson.

By same. Was Shadrach Blevins at his father's, in Wayne county, whilst Anderson was taking depositions at this place lately?

Answer. I don't know of my own knowledge that he was taking; I only heard he was.

By Anderson's agent. Are you or not acquainted with Andrew Hill, the son of Catharine Hill; if so, is not his appearance that of a boy, without beard, under the age of twenty years?

Answer. I have been acquainted with him for six years next March; he has no beard, and looks like a boy; I should take him for a boy not over twenty years of age from his appearance.

By Chrisman's agent. How old are you?

Answer. I will be sixty-seven next October agreeable to my parents' record.

By same. Have you not seen in your time many men that had a youthful appearance, and without beard?

Answer. I have seen many men that I believe were twenty-one that had scarcely any beard at all; I have never seen any man that I knew or believed to be twenty-one years of age but what had more beard than said Andrew Hill, and more the appearance of a man.

By same. Do you know of your own knowledge anything about the age of said Andrew Hill?

Answer. I don't.

his
ANDREW + LEWALLEN.
mark.

The deposition of John Lewallen, taken at the same time and place; being of lawful age and duly sworn, states as follows:

Questions by Anderson's agent propounded to John Lewallen.

Question. Are you acquainted with Andrew Hill, son of Catharine Hill, that voted for J. S. Chrisman in the late August election; if so, have you not known him ever since his birth?

Answer. I have known him ever since he was born.

By same. Do or not you know that the said Andrew was born in the year eighteen hundred and forty?

Answer. I know that he was born in that year.

By same. How do you know that he was born in that year?

Answer. My oldest daughter was born in the year 1837, November 16; Catharine Hill had a daughter born in the spring, some time about April of 1838; I had a son born August 6, 1839; the next spring Catharine Hill had a boy and called him Andrew, that is, in the spring of 1840.

By same. Do you or not know that he is the only boy of Catharine

Hill of that name, and did you or not see his mother that season with him in her arms, and a sucking child?

Answer. I went to the mill of his father in the summer of 1840; he was a sucking child then. I have known Mrs. Hill ever since she was a girl, and he is the only son of that name.

By same. Is or not the Andrew Hill that voted for Chrisman for Congress at Parmlyville, in this county, at the late August election, the same one you spoke of?

Answer. He is all the Andrew Hill in the Parmlyville precinct, No. 4, in this county, and his vote is recorded for Chrisman in that poll-book.

By same. Are you acquainted with the general moral character of Catharine Hill; if so, what is it?

Answer. Yes, sir; I am; and it is not good.

By same. Would you believe her on oath if she had anything at stake?

Answer. I would not like to.

By same. Has or not her character been ever since she was a girl that of a prostitute and bad whore, ready for every call?

Answer. That is her character.

By same. How far do you live from Timothy Blevins, the father of Shadrach Blevins, and how long have you lived there?

Answer. I live about two hundred yards from his house; have been living there about two years.

By same. Are you acquainted with Shadrach Blevins, whose vote has been challenged by Chrisman?

Answer. Yes, sir; I am.

By same. Had you or not had several conversations with him, and from all you know and heard from him, do you or not consider his home at his father's?

Answer. Yes, sir; I do.

By same. What time did he go to Tennessee.

Answer. He went in February or March last.

By same. What do you know about his going to his uncle's in Tennessee?

Answer. He told me that his uncle was compelled to have a hand to help him to clear off his ground, and if he would come and help him he would give him one-third of the crop.

By same. Did or not he return home frequently and get clean clothing, and do the blacksmith's work for the neighbors?

Answer. He returned home sometimes once a week, sometimes once in two weeks, sometimes not so often, and sometimes oftener, and got clean clothing, and did part of the smith's work for the neighborhood.

By same. What time did he quit his uncle's entirely and remain at his father's?

Answer. I think it was in the month of June.

By same. Where has he been ever since?

Answer. At his father's.

By same. What do you know about his paying tax in Tennessee?

Answer. I heard him say he had land in Tennessee to pay tax on,

but grumbled that they had charged or taken a poll-tax against him while he was working with his uncle ; that it was not right.

By same. Do you know where he claimed his home, and where he had his washing at that time?

Answer. I saw him coming from his uncle's frequently to his father's in this county ; he was dirty, and when he would go back he had clean clothing on ; and when he would pass my house I would ask him to stop. He would say he was in a hurry to get home, or over to his father's.

By same. What is the character of Timothy Blevins ; is it good or bad ?

Answer. It is good.

By same. What is the general character of William Dobbs?

Answer. So far as I know it is good.

By same. How far do you live from him ?

Answer. About five or six miles.

By same. How long have you been acquainted with him ?

Answer. Something more than two years.

Ordered, That the further taking of depositions be adjourned until to-morrow, 9 o'clock a. m.

W. M. BURTON, *P. J. T. M.*

FEBRUARY 21, 1860.

Resumed the taking of the deposition of John Llewellen pursuant to adjournment.

W. M. BURTON, *P. J. T. M.*

By Chrisman's agent. Did you ever hear Shadrach Blevins say that he was a citizen of Tennessee, and could not vote here, during the past summer ?

Answer. I never did.

By same. Did or not you hear him say his vote was challenged not long since ?

Answer. I think I heard him say they were trying or he had heard they were trying to get his vote off.

By same. When Shadrach came in from Tennessee, did he not come to mill generally ?

Answer. He came to mill sometimes, but as a general thing he did not.

By same. How far from your and his father's did he live when in Tennessee at his uncle's ?

Answer. Well, sir, I would suppose it to be about ten miles ; that is only guess work with me.

By same. Did or not the people in Tennessee, or that portion of Tennessee about where Shadrach and his uncle lived, come to your mill mostly to get their grinding ?

Answer. No, sir ; they did not ; they generally went to Mr. Carson's mill ; from what I heard, Mr. Carson's mill and mine are on Rock creek in this (Wayne) county, Carson's being some two miles nearer the Tennessee line than my own.

By same. How old is Catharine Hill, to the best of your knowledge?

Answer. I suppose she is somewhere near forty ; this is only guess work.

By same. What is her oldest child's name, and when was he or she born?

Answer. Her oldest child's name is Bailey ; I am of opinion he was born in 1834 ; this is also guess work ; I do not know the month or day of the month.

By same. What is her second child's name, and when was she born?

Answer. Her second child's name is Ceily ; she was born in 1838.

By same. What is the next child's name, and when was he born?

Answer. The next one is named Andrew, and I think he was born in the spring of 1840. After this I moved from the place where I was then living, and lived about fourteen or fifteen miles from Mrs. Hill, and I do not know when the balance of her children were born.

By same. You say that Mrs. Hill first took up with a man by the name of Owens. How long did they live together after the first child was born?

Answer. I don't know whether he left before or after the child was born ; I heard that they had parted several times, and then they would live together again.

By same. How long after the first child was born before she took up with Butram?

Answer. I don't know how long, but it was a right smart while.

By same. Was it not generally understood through the country that she was cohabiting with Butram from the time she left Owens?

Answer. It was talked that she cohabited with a William Butram a short time after Owens left ; this was not Andrew Butram, the reputed father of Andrew Hill.

By same. Is there as much as four years' difference between the age of any of the children besides the oldest two?

Answer. I think not ; after she commenced living with Butram she had children pretty fast.

By same. Have you ever heard Mrs. Hill testify on oath?

Answer. Not that I know of.

By same. Have you ever heard any one say that she was not entitled to credit on oath?

Answer. I don't know that I did.

By same. How then can you say that, from your knowledge of her general character, you would not believe her on oath?

Answer. Any woman that has the reputation in her neighborhood that she has I cannot believe her on oath.

By same. Do you not know that your opinion of her does not constitute general character?

Answer. I would say that my own opinion of itself would not amount to general character if the neighborhood were not of the same opinion.

By same. Can you tell at what time any of your neighbors' children were born except Mrs. Catharine Hill's?

Answer. I can, by the age of my own children.

By same. Are you acquainted with the general character of Andrew Hill?

Answer. I suppose I am.

By same. From your knowledge of his general character, is he or not entitled to credit on oath?

Answer. From what I have heard of him I would have to believe him. He told me he swore at the polls he was twenty-one, from the information he had received from his mother.

By same. Is it not generally believed that William Dobbs is a counterfeiter?

Answer. If he is I don't know it.

By same. Was he not indicted by a grand jury of Wayne county, and tried in the Wayne circuit court on a charge of passing counterfeit money?

Answer. I don't know anything about that.

By same. How long have you lived in this county?

Answer. A little upwards of two years.

By same. When did the commissioners run the State line between Kentucky and Tennessee; was it before or after the election?

Answer. They ran the line between this county and Scott county, Tennessee, since the election; as to the rest of the line I know nothing about it.

By same. How did Mr. Anderson's friends know that you knew anything about the age of Andrew Hill?

Answer. I supposed it has been talked about his voting, and I told Jeff. Shepperd that Katy or I one was greatly mistaken about his age, for I knew that he was younger than my son, Campbell, and he will be twenty-one in August.

By same. For whom did you vote in the race for Congress at the last August election?

Answer. I voted for William C. Anderson.

By Mr. Anderson's agent. How far do you now live from Catharine Hill?

Answer. About two miles.

By same. Is or not the vote of Andrew Hill, that you have been speaking of, recorded on poll-book No. 4 for J. S. Chrisman for Congress in the late August election?

Answer. Yes, sir; it is.

By same. In what precinct did Shadrach Blevins live and vote at the late August election?

Answer. In the Dobbs precinct, No. 7.

By same. When was the State line run between Clinton county, Kentucky, and Fentress county, Tennessee—was it before or since the last August election?

Answer. I do not know when it was run.

By Chrisman's agent. Can you say Shadrach Blevins did live and vote in district No. 7 at the late August election?

Answer. Yes, sir; he was there some time before the election at work.

And further saith not.

JOHN LLEWELLEN.

J. S. Chrisman, by agent, excepts to the reading of the foregoing deposition, because the time allowed by law for taking proof has expired.

J. S. CHRISMAN, *by Agent.*

STATE OF KENTUCKY, *Wayne county, sct :*

I, Wm. M. Burton, police judge of the town of Monticello, in Wayne county, Kentucky, (the police court of said town being a court of record,) do certify that the foregoing depositions of John Llewellen and Andrew Llewellen were taken before me at the time and place and for the purpose in the caption mentioned, said witnesses having been by me first duly sworn, their statements reduced to writing in my presence and the presence of the witnesses and the agents of W. C. Anderson and James S. Chrisman ; that said witnesses severally attested and subscribed their depositions in my presence, and that the depositions have in no manner been altered or erased since taken.

Given under my hand this 20th February, 1860.

WILLIAM M. BURTON.
P. J. T. M.

Expenses.

Judge's cost.....	\$2 20
Per diem and mileage of witnesses.....	5 50
Sheriff's costs.....	40
	<hr/>
	8 10
	<hr/>

Attest :

WILLIAM M. BURTON,
P. J. T. M.

STATE OF KENTUCKY, *Wayne county court, sct :*

I, William Simpson, clerk of the county court for the county aforesaid, do certify that William M. Burton, esq., whose genuine signature appears to the foregoing certificate, is now, and was at the time of the signing thereof, and is yet, police judge of the town of Monticello, in the county and State aforesaid, duly elected, commissioned, and qualified as such, and that all his official acts as such are entitled to full faith and credit, and that his attestation is in due form of law.

Given under my hand and seal of office this 21st day of February, 1860.

[L. s.] WILLIAM SIMPSON, *Clerk,*
By J. M. SAUFLEY, *Deputy Clerk.*

KENTUCKY CONTESTED ELECTION.

FEBRUARY 29, 1860.—Referred to the Committee on Elections, and ordered to be printed.

JAMES S. CHRISMAN :

Take notice, that I shall, before Wm. M. Burton, police judge of the town of Monticello, Wayne county, Kentucky, at the court-house in the town of Monticello, Wayne county, Kentucky, on the 9th day of February, 1860, commence taking the depositions of Isaac Shepperd, Thomas Sowders, Benoni Mills, Parish Graham, Lewis Davenport, Mrs. William Guffey, Shadrach Blevins, William Hoy, W. C. Hoy, Nathaniel Hill, Charles Ealan, Mrs. Elias Kelley, L. A. Lanier, G. K. Noland, J. V. Warden, William Dobbs, Richard Cooper, John S. Van Winkle, W. H. Bates, Lewis Russell Jones, Jeremiah Sloan, jr., and Jesse Wright, all of whom live in the county of Wayne and State of Kentucky ; also, same time and place, and before the same officer, I shall take the depositions of David C. Travis, resident of Fentress county, Tennessee, and John W. Marion, resident of Clinton county, Kentucky ; also John Denny, Reuben Denny, Joseph B. Newell, William McGee and Mrs. Wm. McGee, and Richard Cooper, all of whom reside in Pulaski county, Kentucky ; also the depositions of A. R. West, Amanda Kennet, John Kennet, Charles H. Buster, Mashack Stephens, B. E. Roberts, and William Brown, who reside in Wayne county, Kentucky, and shall continue from day to day until completed, Sundays excepted ; which, when taken, to be used as evidence in behalf of W. C. Anderson before the House of Representatives of the 36th Congress of the United States in the case of the contested election between you and myself, in which you contest my right to a seat in said Congress.

W. C. ANDERSON.

Executed on James S. Chrisman by leaving a copy of this notice at his usual place of abode, he being absent, on this 30th January, 1860.

F. BATES,
Sheriff of Wayne county.

JANUARY 30, 1860.

COMMONWEALTH OF KENTUCKY, *Wayne county :*

To the sheriff of Wayne county or any constable :

You are commanded to summon Lewis Davenport, William Dobbs, W. C. Hoy, and Shadrach Blevins, jr., to appear before William M. Burton, police judge of Monticello, at the court-house in said town, on the 8th day of February, 1860, to testify on behalf of W. C. Anderson in the case of contested election between him and J. S. Chrisman now pending before the 36th Congress of the United States ; and this you will not omit, and have then and there this writ.

G. W. MILLS, *P. J. W. C.*

JANUARY 30, 1860.

Executed in full, except William Dobbs, this 8th February, 1860.
ANDREW B. SLAVIN, *C. W. C.*

COMMONWEALTH OF KENTUCKY, *Wayne County* :

To the sheriff of Pulaski county or any constable :

You are commanded to summon R. Cooper, Joseph B. Newell, Reuben Denny, John Denny, William McGee, and Mrs. Wm. McGee, to appear before William M. Burton, on the 9th of February, 1860, at the court house in Monticello, to testify on behalf of W. C. Anderson in the case of the contested election between him and J. S. Chrisman now pending before the Congress of the United States; and this you will in nowise omit, &c.

G. W. MILLS, *P. J. W. C.*

FEBRUARY 1, 1860.

We acknowledge the service of the within subpoena February 5, 1860.

WILLIAM MCGEE.
MARGARET MCGEE.

COMMONWEALTH OF KENTUCKY :

To the sheriff of Wayne county :

You are commanded to summon Benoni Mills, Thomas Sowders, and Mrs. Elias Kelley to attend at the court-house in Monticello, Kentucky, on February 9, 1860; also summon L. A. Lanier, G. K. Noland, Russ. Jones, J. V. Warden, and Jesse Wright to attend, on the 10th February, at same place; also summon B. E. Roberts, William Brown, and A. R. West to attend, at the same place, on 11th February, 1860, to give their depositions before W. M. Burton, P. J. T. M., on a contested election wherein James S. Chrisman contests the right of W. C. Anderson to a seat in the 36th Congress of the United States.

GEORGE W. MILLS, *P. J. W. C. C.*

JANUARY 31, 1860.

Executed, January 31, 1860, on James V. Warden, G. K. Noland, Russ. Jones, B. E. Roberts, Thomas Sowders, Benoni Mills, Mrs. Elias Kelley, L. A. Lanier, A. R. West, and Jesse Wright, which is in full.

F. BATES, *S. W. C.*

FEBRUARY 7, 1860.

COMMONWEALTH OF KENTUCKY :

To the sheriff of Wayne county :

You are commanded to summon T. C. Brown, R. M. Tate, and Wm. Brown to attend before W. M. Burton, P. J. T. M., at the court-house in Monticello, on the 13th day of February, 1860, to give their depositions in a contested election pending before the House of Repre-

sentatives of the 36th Congress of the United States, wherein James S. Chrisman contests the right of W. C. Anderson to a seat in said House.

W. M. BURTON, *P. J. T. M.*

FEBRUARY 3, 1860.

Executed in full February 7, 1860.

F. BATES, *S. W. C.*

Mr. JAMES S. CHRISMAN :

Take notice that on the 13th day of February, 1860, at the courthouse in Monticello, Wayne county, Kentucky, before Wm. M. Burton, police judge of the town of Monticello, I shall proceed to take the depositions of John H. Godderd, Henry Franklin, Mrs. John F. Franklin, widow, Mrs. Garrison Buster and Garrison Buster, T. C. Brown, R. M. Tate, and J. T. Wilhite, all of whom reside in Wayne county, Kentucky, to be used as evidence before the House of Representatives of the 36th Congress of the United States in a contested election wherein you contest my right to a seat in said House, February 1, 1860. I shall continue taking said proof from day to day, Sundays excepted, until completed.

W. C. ANDERSON.

Executed on James S. Chrisman, by leaving a true copy of this notice at the usual place of abode of said Chrisman on 2d February, 1860.

L. P. BAKER, *D. S.*
For F. BATES, *S. W. C.*

The depositions of Lewis Davenport and others, taken at the courthouse in the town of Monticello, Wayne county, Kentucky, on the 8th day of February, 1860, to be used as evidence before the House of Representatives of the 36th Congress of the United States, in a contested election, wherein James S. Chrisman contests the right of Wm. C. Anderson to a seat in said House of Representatives. The witness, being first duly sworn, testified as shown below :

J. S. Chrisman, by his agent, excepts to the taking of the following deposition, because Mr. Anderson has not given Mr. Chrisman notice that he would take depositions on this day ; or, if he has, his attorney cannot produce a copy of the notice, nor can he give satisfactory proof that such notice has ever been served on Mr. Chrisman ; and because, furthermore, the time allowed by law for taking proof has expired.

J. S. CHRISMAN,
By his agent.

Question by W. C. Anderson's attorney. State who was the clerk of the late August election at precinct or district No. 7 of Wayne county.

Answer. I was the clerk myself.

By same. Were or not the officers of said election duly sworn?

Answer. Yes, sir; at least we were sworn.

By same. Look at the poll-book of said precinct for the late August election and say whether or not the same is all in your handwriting?

Answer. I have before me the poll-books of Wayne county for the late August election, admitted to be the books returned to the proper office, and have examined the poll-book of district No. 7 of said county, and state the same is all in my handwriting, except the certificates, which were made out by another and signed by the officers.

By same. State whether or not all the votes cast at said precinct at said election were taken on the proper day between the hours of six o'clock a. m. and seven o'clock p. m., and recorded by you as they were given.

Answer. The votes cast at said election at said precinct were taken on the day appointed by law between the hours mentioned, and said votes were recorded on the book before me as they were cast.

By same. State whether or not you recognize said book as the poll-book used by you at said election, and state if you have a recollection of the number of votes cast each for J. S. Chrisman and W. C. Anderson, independent of what the record shows.

Answer. It is the same book used at said election by me as the poll-book; I have a recollection, independent of the poll-book, of how many votes were cast each for W. C. Anderson and J. S. Chrisman for Congress; James S. Chrisman got 33 votes at said precinct, and W. C. Anderson got 40 votes.

By same. How did it happen that you failed to sign your name at the bottom of each page of the poll-book as the election proceeded?

Answer. I did not then know that it was required by law to be done.

By same. Are you acquainted with Catharine Winchester, *alias* Katy Hill?

Answer. I have frequently seen her; I know her; she lives about three miles from me; I have known her from six to ten years.

By same. Is she or not a prostitute, and has she or not the general character of being such?

Answer. Her general character in my neighborhood is that she is a prostitute.

By same. From your acquaintance with her general character, would you believe her on oath?

Answer. From her general character I don't think I could believe her on oath.

By same. Are you acquainted with Timothy Blevins, father to Shadrach Blevins; if so, what is his general character?

Answer. I am acquainted with said Blevins; his character is as good as anybody's; he is regarded, where known, as an honorable and truthful man.

By same. Are you acquainted with one James Davis, who voted at precinct No. 7 at the late election for J. S. Chrisman; if so, what is his general character?

Answer. I am acquainted with said Davis and have known him

about twenty years ; his general character is bad, and has been since I have known him.

By same. From your knowledge of said Davis's general character, would you believe him on oath, and is he entitled to full credence on oath ?

Answer. I think I could not believe him on oath, from my knowledge of his general character ; I think he is not entitled to full credit on oath.

By Mr. Chrisman's agent. How long has Mrs. Hill, or Winchester, been married to her last husband, and have you heard anything said against her character since her last marriage ?

Answer. I don't know how long she has been married to her last husband ; not more than two years, I think ; since her last marriage I have heard no one say that he had had intercourse with her, though I think she is believed still to be a prostitute.

By same. Have you ever heard her testify on oath, or have you ever heard any one say that she was not to be believed on oath ?

Answer. I never heard her testify on oath ; and I never heard any one say that she was not to be believed on oath, though I have heard a few persons say they would not believe her on oath.

By same. Have you ever heard James Davis testify on oath, or have you ever heard any one say that he was not to be believed on oath ?

Answer. I never heard James Davis testify on oath, but I have heard various men through the county say they would not believe him on oath or off of oath.

By same. Give the names of some of the various persons you have heard thus speak ; also the time and place where you heard them make such statements.

Answer. I don't know that I can give the time or place, but I have heard James Dolen with whom he has lived, and Thomas Ryan with whom he has also lived, say that there was no dependence to be put in him, and I understood them to say they would not believe him any way ; I can give the names of no other persons at this time.

By same. Have you heard these statements made before or since the election ?

Answer. I heard Ryan speak of it some three or four years ago, and Dolen both before and since the election.

By same. Are you acquainted with Calvin Bell and James J. Sheppard ; if so, what is their general character, and are they entitled to credence on oath ?

Answer. I am acquainted with the persons to whom you allude in your question, but I cannot say that I know their general character.

By same. How far do you reside from Calvin Bell, and how long have you known him ?

Answer. I live about four or five miles from Calvin Bell, and have known him about seven or eight years, but have not lived that near for more than three years ; I have never been about him much.

By same. Is not Calvin Bell a brother-in-law of Shadrach Blevins ?

Answer. He is said to be.

By same. For whom did you vote in the race for Congress at the late August election?

Answer. For William C. Anderson.

By same. Were you not a warm political friend and active supporter of Mr. Anderson during the late canvass?

Answer. I talked as much for him as I could, believing that he was the right man to elect.

And further saith not.

LEWIS DAVENPORT.

The further taking of depositions herein is adjourned until to-morrow morning at nine o'clock A. M.

W. M. BURTON, *P. J. T. M.*

FEBRUARY 8, 1860.

Met pursuant to adjournment Thursday morning, February 9, 1860.

W. M. BURTON, *P. J. T. M.*

The deposition of Reuben Denny, taken at same place, and for like purpose, on 9th February, 1860, said witness being first duly sworn.

[James S. Chrisman by his agent, excepts to the taking of each and all of the following depositions, because Mr. Chrisman has not been served with sufficient notice of the same, and because the time allowed by law for taking proof has expired.]

J. S. CHRISMAN, *by Agent.*

Question by Anderson's attorney. Are you acquainted with Cib *alias* Sibrom Crutchfield, son of John Crutchfield, of this county; if so, did said Crutchfield vote at the late election in Wayne county, and for whom for Congress?

Answer. I am to some extent acquainted with Cib or Sibrom Crutchfield, son of John Crutchfield, of this county; said Crutchfield (Sibrom) told me he voted at the Mill Springs precinct in Wayne county, at the late August election for J. S. Chrisman for Congress; I cannot say he told me he voted at Mill Springs precinct, but his father I know lived in that district at that time.

By same. State whether or not you ever had a conversation with said Sibrom Crutchfield in relation to his voting at said election; if so, state all he said upon that subject as well as about his place of residence.

Answer. I had a conversation with said Crutchfield at my house, some time about the 1st of November last. Said Crutchfield staid all night with me. The subject of the contested election between Anderson and Chrisman was talked of between us. I told him his vote was challenged and thought to be illegal. He stated that he thought himself that his was not a legal vote, from the fact that he was not stationed in this country. He stated that he was then about to start to the south, and intended to remain south if he could get a situation as overseer; and if he could not, he was going back to Iowa or Missouri, (I don't remember which,) where he had land. He asked me to give him the law in relation to the qualifications of voters, which I did, as I understood it; and he then remarked that his was not a good

vote ; and stated that at the time of the election he would not have voted but that "*they*" told him he was a legal voter, but that he did not think so himself until "*they*" told him that he was a good voter. In the conversation before-mentioned, he remarked to me, that as I had been a magistrate I ought to know the law, and asked me to give it to him. I told him the law of the State required the voter to have lived two years in the State, and sixty days in the precinct next preceding the election, or one year in the county, and sixty days in the precinct where the vote should be cast, next preceding the election. This, I think, was in substance what I told him in relation to the law. He then said, as before stated, that he was not a good voter. In the same conversation he spoke of having land out west, and wanted to get his father to remove out there, and, I think, requested me to use my influence with his father to induce him to remove out west, where he (Sibrom) had land. This is my recollection. During the summer before the election I talked with Crutchfield about the election, and he told me *if* he was entitled to vote, he should cast it for Mr. Chrisman. His father, John Crutchfield, had expressed an intention of voting for Mr. Anderson, which led to my talking with Sibrom on the subject.

By same. State whether or not said Sibrom Crutchfield had not been gone to the west for some considerable time before last year. State whether or not yourself and said Crutchfield were not quite friendly at the time of the visit and conversation of which you have spoken.

Answer. Crutchfield (Sibrom) and I were very friendly at the time mentioned, and continue so. He has been in the west, as he informed me, somewhere between four and five years. I am not positive, but I think about that time. I can't say when he came back—think it was about twelve months ago.

By same. Did he or not, in the conversation aforesaid, state that he did not consider this his home, and that he was not going to stay?

Answer. I can't say that he said he did not regard this as his home, but only stated, as before said, in speaking of the law, that it would cut him out of his vote, but that he cast it honestly, and that he was not going to stay in this country ; said he was going south or back west.

By Chrisman's agent. Please examine the poll-book of the Mill Spring precinct for the last August election and see if the said Sibrom Crutchfield was not sworn when he voted?

Answer. I have examined the poll-book of said district, and find that said Crutchfield was sworn when he voted.

By same. Where was it that you had the conversation with him before the election in which he told you he was not a good voter, and who was present at the time?

Answer. In the conversation which I had with him before the election he said that if he was entitled to a vote he would vote for Chrisman. This was at the house of John Kelly, his (Kelly's) wife and children were present.

By same. In the conversation which you had after the election did he tell you that he was sworn when he voted?

Answer. He did not.

By same. Is or not the said Sibrom Crutchfield entitled to credit on oath?

Answer. I would give him credit on oath as quick as I would any other man.

By same. For whom did you vote in the race for Congress at the late election?

Answer. For W. C. Anderson.

By same. Were you not a zealous and active supporter of Anderson, doing all you could to secure his election?

Answer. I don't know that I did all that I could for him, but I was a warm friend of his.

By same. Are you not intimate with John Crutchfield, the father of Sibrom, and have you ever heard him say anything about Sibrom not living in this State and county?

Answer. I am well acquainted with the said John Crutchfield, and I heard him say that he did not consider his son a legal voter; this was before the election.

By same. Did he give you his reasons for saying that his son was not a good voter; if so, what were they?

Answer. I don't know that he did; we were speaking of the voters in that district, and he did not count his son as a voter; this was at my house. I never asked him his reasons for saying that his son was not a good voter.

By same. From your knowledge of the general character of John Crutchfield, would you believe him on oath?

Answer. I would.

By Anderson's attorney. Were you or not raised in Linking precinct in this county, (No. 5,) and have you or not a very general acquaintance in said precinct; if so, was there or not at the last election more than one Stephen Loveall in said precinct?

Answer. I was raised in said precinct; I have a very general acquaintance there; I think I know nearly every man in the precinct; I know of but one of that name, Stephen Loveall, being in said district at the late election. There was another years ago in said precinct, but he went off some years ago.

And further saith not.

R. S. DENNY.

Also the deposition of Wm. McGee, taken at same time and place, for same purpose, after being duly sworn:

Question by Anderson's attorney. State if you are acquainted with one Stephen Loveall, who resides in district No. 5 of this county, and state how long you have known him?

Answer. I am acquainted with Stephen Loveall, who lives in Linking district of this county; I have known him from his birth, twenty-one years two months or thereabouts.

By same. State the date of his birth; state if you have any reason or circumstance which enables you to remember it; state who were his parents, and how near you lived to his parents when he was born?

Answer. Said Loveall, from my recollection, was born the 5th or 6th day of December, 1838; I am enabled to remember the date of

his birth from the age of my daughter Anne Jane ; I have a record of my daughter's birth, made about the time of her birth ; I cannot read myself, but it was read to me recently, giving her birth on 20th December, 1838, and I know it is correct. My daughter was born in December after David Gibbs was hung in this county for the murder of Roger Oatts, which was in the summer of the year 1838. Aaron Loveall was his father, and Armelda Loveall was his mother ; I lived about a half mile of them, at the time of his birth. I have known said Stephen Loveall ever since. Said Loveall is just about two weeks older than my daughter ; I have a clear recollection of the circumstance.

By same. Are you or not well acquainted in the Linking district (No. 5) of this county ; if so, was there any other Stephen Loveall living in said district at the time of the late election, except the one you have mentioned ?

Answer. I am well acquainted in said district ; there was no other Stephen Loveall residing in said district at the late election, so far as I know, and I think I know pretty much all the voters in the district, at least the greater portion of them.

By same. Have you ever heard said Loveall say that he voted at the late election in district No. 5 of this county, and for whom did he vote for Congress ?

Answer. Since the last election said Loveall told me he voted in the Linking (No. 5) district of this county for J. S. Chrisman for Congress ; he said, in the same connexion, that he was sworn when he voted, and that he stated his mother and Mrs. John Black told him he was old enough, and that was the reason why he voted, and he stated there was no record of his age.

By same. Are you acquainted with Sam'l Pennington, who now lives in the upper end of this county ; if so, state all you know about him leaving this country some year or more since ?

Answer. I knew Sam'l Pennington who lived at Mill Springs precinct of this county, (No. 6.) Some time before Christmas of 1858, I think in November, I was present at Sam'l Lane's, when said Pennington came to Lane's for a wagon which he had bought, and stated that he was going to move in said wagon to either Virginia or North Carolina, (I don't remember which.) He stated his son had come after him ; he said that he was fixing to move, and that he was going to have a sale ; he stated nothing about returning ; I know he was absent from the country for some time ; I think he came back late in the spring of 1859 ; I have talked to him since he returned ; he stated that the reason he did not stay where he had moved, was the fact that the women of his family were not satisfied to live there.

And further saith not.

his
WM. + McGEE.
mark.

Also the deposition of Margaret H. McGee, taken at same time and place, being first sworn.

Question by W. C. Anderson's attorney. Are you or not the wife of Wm. McGee, whose deposition has just been taken ?

Answer. I am.

By same. Are you or not acquainted with Stephen Loveall, of whom your husband has spoken ; if so, what is his age ? If you have any circumstances which enable you to remember it, give them.

Answer. I am acquainted with said Loveall. Agreeable to my knowledge, said Loveall was born either on the 5th or 6th day of December, 1838. I know the age of said Loveall by the age of my daughter Anne Jane, who was born on the 20th day of December, 1838. I have a record of my daughter's age, made on the day after my daughter's birth. I read the record on yesterday, and have given it correctly, and would have brought it with me but my husband told me that he thought it was unnecessary. I also have a distinct recollection that Gibbs was hung in this county the summer before the birth of my daughter. I lived in about a half mile of said Loveall's parents when he was born. I have known him to be the same Loveall who was born a few days before my daughter.

By same. Please examine the poll-book of district No. 5 of this county, and state if the vote of said Stephen Loveall is there recorded, and for whom, for Congress.

Answer. I have examined said poll-book, and find the vote of Stephen Loveall there recorded for J. S. Chrisman for Congress.

By same. What is your husband's politics, and for whom did he vote for Congress at the late election ?

Answer. He is a democrat, and voted for J. S. Chrisman for Congress at the late election.

By same. Are you acquainted with Samuel Pennington, who resides in the Mill Springs district of this county ? If so, state all you know about his removing from this State.

Answer. I know said Pennington. I was at the residence of Samuel Lane about the 1st of November, 1858—at least before Christmas of that year. Said Pennington came there for a wagon ; said he was going to move ; that he was going to have a sale of his property, and that he was going to Virginia to live with his son or sons, who had come for him. He stated that he was getting old, and that his sons were going to take care of him. He made a sale of his property before he moved. I know that he was gone from the place he used to live for some time. He came back some time last spring. And further saith not.

M. H. McGEE.

Also the deposition of Worneford Kelly, taken at the same time and place, who, being first sworn, testified as shown below :

By Anderson's attorney. Are you acquainted with Stephen Loveall, who resides in the Linking precinct of this county ? If so, state his age, if known to you. Give any circumstance which enables you to remember his age.

Answer. I know Stephen Loveall when I see him. His father's name was Aaron Loveall. My son James was born in September, 1839, and Stephen Loveall was born in the winter before. I have a record of my son's age, which shows he was born on the 10th of September, 1839. The record is right. I can recollect, I think, the ages

of all my children without a record. I examined the record yesterday. I did not know it would be necessary to bring the record of my son's age or I would have done so. I lived within one and a half mile of Loveall's father when he was born. I was well acquainted with Stephen Loveall when he was small, and have also known him ever since. Wm. McGee and wife lived in the same neighborhood at the time of Loveall's birth. I was at their house when I heard of his birth. And further saith not.

WORNEFORD KELLY.

Also the deposition of Wm. C. Hoy, taken at same time and place, for same purpose, said witness, being first duly sworn, testified as shown below :

Question by W. C. Anderson's attorney. Are you acquainted with one C. F. Kidd who voted at Edward's precinct, in Wayne county, (No. 3,) at the late election? If so, state if his vote is recorded, and for whom.

Answer. I am acquainted with C. F. Kidd, and find his vote recorded for J. S. Chrisman for Congress at the late August election on poll-book of district No. 3 of Wayne county.

By same. State what you know in relation to said Kidd emigrating to the State of California; state when, and all you know about it.

Answer. In the year 1858, (about 22d May, we started) Kidd and myself went together to the state of California. When we left Kentucky Kidd said he wanted to go to see his brother who lived in California, and said if the country suited him when he got there and he should be satisfied to stay that he would send for his wife and make California his home. After he got to California and had been there awhile he concluded the country suited him and that he would make it his home, and accordingly he got me to write to his wife to sell his property and come to California. He also requested that his brother should bring his wife to California. The understanding between Kidd and myself was, that if he concluded to live in California I was to come back and take his wife out there; but when he concluded to stay and live in California we concluded that it would be less expensive for Kidd's brother to bring his wife to California, and consequently he had me to write as I have stated. Kidd could write but little. The letter was directed to Transville, in Fentress county, Tenn.

By same. When did said Kidd leave California: and what did he say he was leaving for?

Answer. He left California I think in December, 1858, or January, 1859. Before he left he heard from his brother whom he requested to accompany his wife to California, and that he would not do so. Kidd then said he would come back to the States for her himself, and take her with him to California to live. This is the substance of his statement upon that subject.

By same. Have you or not a very general acquaintance in district No. 3 of this county: if so, state if there was any other C. F. Kidd than the one you mention living in said district at the late election?

Answer. I have a very general acquaintance in said district, and I know of but one C. F. Kidd who was living in that district at that time.

By same. Had said Kidd any fixed time to return when he left here?

Answer. He had no fixed time to return that I ever heard of when he left here; in fact he concluded to stay in California as I have before stated.

By same. Did you hear said Kidd say that he never intended to come back to Kentucky?

Answer. I cannot say that he stated he would never come back.

By Chrisman. When did you and the said Kidd arrive in California?

Answer. On the 28th or 29th day of June, 1858.

By same. How many letters did you write to the said Kidd's wife, for him?

Answer. I wrote two or more.

By same. Did you write as many as six?

Answer. I can't say that I did: I don't suppose I did.

By same. How many letters had you written to her before you wrote the one requesting her to come to California?

Answer. I can't say whether it was one or two.

By same. Did the said Kidd receive answers to the letters you had written before you wrote for her to come to California?

Answer. I think he had.

By same. How long had he been there before you wrote to his wife to come to California?

Answer. I think about two or three months.

By same. How long before he received an answer to that letter?

Answer. To the best of my knowledge something over two months.

By same. Had he declined the idea of taking his wife there before he received an answer?

Answer. I can't say, sir.

By same. Did you ever write a letter to his wife for him telling her not to come?

Answer. I can't say. I don't recollect that I did.

By same. When did he conclude to come back to the *States* or Kentucky?

Answer. Shortly after he got an answer to his letter, stating that his brother would not bring his wife, which was in December, 1858 or January 1859, I think.

By same. Did you not hear him tell his brother that he did not want to make California his home?

Answer. I did not.

By same. Was it not at the solicitation of you and his brother that he, Kidd, wrote for his brother in Tennessee to take his wife to California?

Answer. I wanted him to stay there, and had talked to him about the propriety of taking his wife there; and suggested his getting his brother to take his wife there; but I cannot say that I was the cause of his doing so.

By same. Did Kidd ever vote in California?

Answer. Not that I know of.

By same. Was there ever any sale of his property in Kentucky?

Answer. I can't say about that, as I was not here.

By same. Did he not tell you while in California that he owned land in Kentucky?

Answer. Before leaving here, he and his brother-in-law occupied land in this county; but I understood from him, after he concluded to make his home in California, he now gave up the land to his brother-in-law, and let him have full possession of the land, and his brother in California was to let his brother-in-law have money to assist in making the first payment.

By same. Does not the said Kidd now reside in this county; and do you know of anything to prevent his coming here to give his deposition?

Answer. I think he now resides in this county; and I know of nothing to prevent his coming here. I was a political friend of Mr. Anderson in the late contest. I did not vote myself, as I had gone to California, as I have stated, with Kidd; but I did not intend to live there.

W. C. HAY.

Also the deposition of Henry Franklin, taken at same time and place, the witness being first duly sworn:

Question by W. C. Anderson's attorney. State whether or not you have been absent from the State during the last two years? If so, did you leave with the intention of residing elsewhere than in Wayne county, Kentucky.

Answer. I was out of this State in the year 1858. I left in March and came back in December, of the same year. I was most of the time employed as a hand on the Cumberland river on steamboats. I left with the intention of returning to my father's, in district No. 1 of Wayne county, where I voted. I did not intend to remain long when I left. I only took with me the clothes I had on. The remainder of my clothes I left at my said father's. I had before that lived at my father's, and returned there when I came back.

By same. Was it not your object, when you went on the river, to make money by your work; and did you or not claim and consider your father's as your home during the whole time you were gone?

Answer. It was my object to work and make money when I left here, and that was my only purpose. I claimed and considered my father's as my home during the whole time I was gone. I had no fixed place to stay when I was gone. I was at Nashville a while, where I was detained by sickness.

By same. Were you not born and raised in district No. 1 of this county; and did you ever abandon your said home at any time?

Answer. I was born and raised in said district. I never did abandon my said home at any time. I now live at same place.

By same. Did you ever tell any one when you left, as you have stated, that you were going off to stay; if you made such a statement, was it seriously or jestingly said?

Answer. I have no recollection of making such a statement. If I did make such, it was not done seriously, as I had no such intention.

[James S. Chrisman, by his agent, excepts to the reading of the foregoing deposition, and refuses to cross-examine, because the notice

which was left at Mr. Chrisman's residence on the 1st inst., (only eight days ago,) stated that Mr. Franklin's deposition would be taken on the 13th of this month, and not on the 9th.]

J. S. CHRISMAN, *by Agent.*

Also the deposition of Joseph B. Newell, taken at same place, and for same purpose, being first duly sworn :

Question by Anderson's attorney. Are you acquainted with Samuel Pennington, who resides in Mill Springs district, of this county? If so, is there but one of that name; and state all you know in relation to said Pennington leaving this county in the year 1858.

Answer. I am acquainted with said Pennington. I know of but the one Samuel Pennington in said district. Said Pennington left this county in the fall of 1858; a few days before he left he told he was going to reside with his children, either in North Carolina or Virginia, I don't remember which. He stated that he never expected to return to Kentucky when he moved. He had a little sale, and sold his property, except what he took with him. He was a cooper by trade, and sold his coopers' tools, as well as his corn and wheat; I think all of it. One of his sons, from North Carolina or Virginia, was out here at the time for the purpose of taking him to live with his children, at least said Pennington claimed him as his son. Said Pennington came back to Wayne county I think the day of the last May election. I meet him in Somerset, Kentucky, as he was returning, and remarked to him that I never expected to see him again in this county, he answered that the country where he had been was so poor that a wild hog could not live in it. I lived in about two miles of him when he moved. I know of no property he left in this county when he moved.

By Chrisman's agent. Can you state positively, and of your own knowledge, that he left no property in this county?

Answer. I cannot; but if he left any property in this county I know nothing of it; he sold off all of his little property, and said that he never expected to come back.

By same. When Pennington told you he never expected to return to Kentucky, did you believe what he said?

Answer. I did.

By same. How long have you lived in the neighborhood of said Pennington?

Answer. I have been living within two miles of him for the last two or three years, except when he was gone to North Carolina or Virginia; I have known him some five or six years, or more.

By same. What is his general character?

Answer. I don't know that I have ever heard his character discussed.

By same. Have you ever heard anything said against him that would prevent you from believing him on oath?

Answer. Not until he gave his deposition in this case.

By same. Have you ever heard any one save the political friends of Mr. Anderson say that they would not believe him on oath?

Answer. No, sir ; I think the democrats generally credit him on oath, especially in this case.

By Anderson's attorney. Since said Pennington gave his deposition in this case, is it or not generally reputed of him, among those you have heard speak of the subject, that he is not a man entitled to credence on oath ?

Answer. The general belief of those I have talked to with reference to his said testimony in this case, is that he did not swear correctly in his said deposition.

By same. Has his said testimony or not been spoken of by a good many persons in your neighborhood ?

Answer. It has.

JAMES B. NEWELL.

Also the deposition of Richard Cooper, taken at the same time and place, he being first duly sworn :

Question by Anderson's attorney. Are you or not acquainted with Samuel Pennington, who lives in district No. 6 of this county ? If so, state all you know about said Pennington emigrating to North Carolina or Virginia.

Answer. I am acquainted with said Pennington ; I lived near said Pennington (within about a mile) for something over one year before Pennington moved off. Sometime in the fall of 1858 he came to my store, where I was selling goods, and asked me if I would take notes on other persons for his store accounts. He stated that his son was in from either North Carolina or Virginia, and wanted him to go home with him ; he further stated that he was going home with his son to live there the balance of his days as he was getting old, and wanted his children to take care of him. None of his children live in this county that I know of. Pennington came by my store as he was leaving the country, and told me he had sold all of his property and was moving, and never expected to come back ; he said he wanted to pay all of his *just* debts, and paid me his account in notes in part, and part in money. I saw him in the spring of 1859 as he was coming back. I asked why he left North Carolina. He answered that it was so cold out there that he could not live ; and that his wife was dissatisfied, and he concluded to come back to Kentucky.

By same. Are you acquainted with one Marion Stephenson, who lives in the Mill Springs district of this county ? If so, state all you know about said Stephenson moving to Indiana some year or more since.

Answer. I am acquainted with said Stephenson ; he lived near me in the year 1857, and went off, as I was informed by his brother, to Indiana ; he was then indebted to me in a small account for goods. He was absent from the country for some time, and came back I think in the fall of 1858, and came to my store. He told me that he could not do any good in this country, and that he had gone to the State of Indiana to live ; and that he had got in a difficulty out there, and had to leave ; and that he had left his clothes and money in Indiana, and could not pay his account, and proposed giving his note for it. He

spoke of wanting to go back to Indiana, but that he could not do so until the difficulty he had got into was settled. He has recently left the county again.

By same. Have you or not been a merchant in this county for several years past; are you acquainted with the general character of J. B. Newell, Reuben Denny, and James M. Hutchison; is it good or bad?

Answer. I was a merchant in Wayne county during 1857-'58, and part of 1859; I am acquainted with the general character of each of said gentlemen; their characters are as good as any men in this country.

By same. Is there but one Samuel Pennington in district No. 6 of this county?

Answer. There is but one that I know of; I have a large acquaintance in said district. And further saith not.

RICHARD B. COOPER.

The further taking of depositions is adjourned until to-morrow morning at 8½ o'clock, this 9th of February, 1860.

W. M. BURTON,
P. J. T. M.

Met pursuant to adjournment, on morning of 10th February, 1860.

The deposition of Thomas Sowders, taken at the same place, on the 10th of February, 1860, for like purposes; the witness, being duly sworn, testified as shown below:

Question by Anderson's attorney. Are you or not a brother of Mack Sowders? State the circumstance of said Mack Sowders hiring and living with you last summer.

Answer. I am a brother of Mack Sowders; said Mack hired to work for me for two months, and came to my house and commenced about one month before the late August election; he brought his clothes, which I suppose was all that he had to bring; he kept his washing at my house; shortly after he came to my house I asked him if he had any other clothes than those he brought with him, and he told me that he had no other clothes; he had no other property than his clothes that I know of; I think I should have known it if he had have had any other property.

By same. After said Mack came to your house, did he not make an arrangement with you to live at your house longer than for the two months' hire; and was it or not agreed that he was to live with you as his home for an indefinite time?

Answer. After said Mack came to my house, he made an arrangement or agreement to live with me, and make my house his home for a longer time than the two months he was hired for; the agreement was, that he was to live with me and we were to take jobs of work in co-partnership.

By same. At the time said Mack was living with you, had he any other home than your house; and was this or not the reason why he made the arrangement to live with you?

Answer. He had no other home that I know of ; where he was hired he lived ; he had nothing like a fixed or settled home when he came to my house.

By same. Did not said Mack state before the election, and shortly prior thereto, that he would vote for Mr. Anderson if allowed a vote ? If so, state what he said about his voting place.

Answer. Shortly before the election said Mack said he wanted to vote for Anderson if allowed a vote ; he stated that he did not know whether he would be allowed a vote in this precinct, (No. 1,) and if they would not let him vote here that he would have to go to the Fork precinct to vote, or not vote at all ; he said he would rather vote here than go to the Fork to vote.

By same. Did or not said Mack leave your house before the term of his first hire was out ? State when.

Answer. Said Mack had not worked quite one month when he left my house ; he left on the Sunday before the late election.

By same. Did he or not leave his clothes at your house when he first left ?

Answer. He left all of his clothes at my house when he left except what he had on.

By same. Where did you then live ? Give the district.

Answer. I then and I now live in this district, (No. 1,) some two and a half or three miles from Monticello.

By Chrisman's agent. What was your brother's object in first coming to your house ?

Answer. My brother that was living with me was taken sick, and I sent for my brother Mack to come and help me work ; he did not come, however, till the day after my brother died.

By same. Where did your brother come from when he came to your house ?

Answer. He came from Mrs. Nancy Adkins', on the South fork, in the district in which he said he voted.

By same. How long had he lived with Mrs. Nancy Adkins before he came to your house ?

Answer. I don't know ; he told me that he had worked there the summer before.

By same. Was not your brother Mack partly raised by Mrs. Nancy Adkins ?

Answer. He has worked there, on and off, for some two years, more or less ; he lived with me better than three years at one time after his mother died ; I lived during that time in districts Nos. 3 and 4 ; he has had no settled home since the death of his mother, which was some nine years ago.

By same. Beside the three years he lived with you, where has he spent the most of his time since his mother's death ?

Answer. I cannot tell you, as I have not been with him much ; he has worked about from place to place, staying only a few weeks or months at a time ; he stayed with Benoni Mills about a year at one time.

By same. Has he not always returned to Mrs. Adkins' when out of employment at other places ?

Answer. Not that I know of ; one place generally suited him about as well as another.

By same. Have you ever heard Mack call Mrs. Adkins' his home?

Answer. No more than any other place where he worked ; I think he always called the place at which he worked his home.

By same. Where did your brother go to when he left your house?

Answer. He went back to the South Fork ; I don't know whose house he went to.

By same. You say that you and your brother were to work together, and take in jobs. What sort of jobs.

Answer. Any kind of jobs that we could get.

By same. Did you ever take in any jobs together?

Answer. I don't know that we ever did in particular ; not under that contract.

By same. What is your trade or occupation?

Answer. I have several ; sometimes I plough, sometimes I make rails, shingles, and work on houses.

By same. What clothes did your brother bring with him to your house?

Answer. He brought a shirt or two, one or two pair of pants, a coat, and perhaps a couple of waistcoats ; I don't remember exactly what clothes he had.

By same. What clothes did he leave at your house when he left?

Answer. He left his coat, and a waistcoat, and a pair of pants, and an old shirt, and a gun he had bought of me.

By same. Did he leave your house in his shirt sleeves?

Answer. He had on a vest, but no coat.

By same. Are those clothes at your house yet?

Answer. They are not.

By same. Who took them away?

Answer. He took them himself.

By same. When?

Answer. Since the election.

By same. Did you not say a while ago, when I asked you where he had lived since he left your house, that he had not been at your house, and that you had not seen him since the election?

Answer. I did not ; I said that I had not seen him but once since the election.

By same. When you saw him that time did you not ask him where he was living?

Answer. I don't know that I did ; I might, but I have no recollection of doing so.

By same. How long was it after the election before he came for his clothes?

Answer. It was some four or five or six weeks ; perhaps longer, or perhaps not so long.

By same. If he brought all his clothes to your house when he came, and only had two shirts and vests, one of which he left at your house, is it not likely that he would be pretty dirty at the end of four or five or six weeks, especially if he had worn no coat in the time?

Answer. He was.

By same. Did he have on any coat when he returned.

Answer. He did not.

By same. Did he have on the same vest and pants that he wore off?

Answer. The same ones.

By same. Did his shirt look like he had worn it all the time?

Answer. It looked like it might have been worn all the time, to look at it.

By same. When he returned did you ask him why he had not come back and served out the time for which you had employed him?

Answer. I did.

By same. What was his reason for not coming back?

Answer. He said that he had been knocking about.

By same. Did you not try to get him to remain with you and work?

Answer. I did not insist on it, but he told me that he owed a little debt on the Fork, and that he would go over there and work and pay the debt, and then return, but he did not do it.

By same. Who did he say he would work for?

Answer. I don't recollect now.

By same. You say that Mack said he did not know whether he was entitled to a vote here or not. Did he say what constituted a good vote?

Answer. He did not; I don't suppose he knew much about it, any way.

By same. Did he try to vote here?

Answer. He did not.

By same. When Mack first came to your house did he not talk like he would vote for Chrisman?

Answer. He said all the time that he would not vote for him, and he swore when he left my house Sunday morning that he would not vote for him.

By same. Are you acquainted with the general character of your brother Mack?

Answer. I am, pretty much.

By same. From your knowledge of his general character, would you believe him on oath?

Answer. I would.

By same. Did you not want him to vote for Anderson for Congress?

Answer. I did.

By same. Where did you want him to vote?

Answer. I wanted him to vote here.

By same. Did you not know that he had not been in this district long enough to entitle him to a vote?

Answer. I did not know how many days he had to be in the district before he was allowed a vote, and don't now.

By same. When he said that he did not know whether he would be allowed a vote at this place, were you not trying to get him to vote here, and for Anderson?

Answer. I was.

By same. Have you heard Benoni Mills, or his son John, say, since the election, how old his (Mills') son John was at the time of the election?

Answer. I heard John Mills say last night that some one had asked

him how old he was at the election, and he said he was 21, and if they didn't believe it, they could look at the Bible and see.

By Anderson's attorney. Did or not Mack live with his mother until she died?

Answer. He did.

By same. Is or not Mack very weak-minded and inexperienced?

Answer. Pretty much so; has scarcely any experience.

And further saith not.

his
THOMAS X SOWDERS.
mark.

Also the deposition of William Dobbs, taken at same time and place, he having been duly sworn:

Question by Anderson's attorney. Are you or not acquainted with Andrew *alias* Andy Hill, who lives in the Parmleysville district of this county, son of Katy Hill, *alias* Catharine Winchester?

Answer. I have known him merely by seeing him for a good while.

By same. State what you know in reference to his age?

Answer. Andrew Hill came to my house in July last; I wanted to hire him to work, and asked him his age, as he looked small; he answered me, as I now recollect, that he was eighteen years of age, (18;) his two younger brothers were with him, and I thought them small for plough boys; I had talked to Katy Hill or Winchester before the boys came to my house, and she stated that the boys were all under her, and that if I hired any of them she must have half of the pay, and the other half must go to the benefit of the boys to buy clothes, &c. I am not sure that it was Andrew who answered my question about his age; but if not him, it was answered for him by one of the others in his presence.

[J. S. Chrisman, by his agent, excepts to so much of this answer as gives the statements of Katy Hill or Winchester.]

By same. Does or not said Hill look quite boyish, and is he not small and not grown?

Answer. He has every appearance of a boy, and does not look like a grown man; he is small, or was last July.

By same. Are you acquainted with one James Davis, who voted in the 7th district of this county?

Answer. I am, and have been for several years.

By same. State whether or not you had a conversation with said Davis on the day of the election at the voting place of said precinct, or some other place, last summer; if so, state what he said as to his right to vote there?

Answer. On Saturday before the election I had a conversation with said Davis at Washington Troxill's, in this county; I took him out to talk to him about the election; I wanted him to vote for Mr. Anderson if he was a good voter; he told me he had been moving about from district to district, and that he did not expect that he was entitled to a vote.

By same. Do you know whether or not said Davis lived in the Parmleysville district during last summer?

Answer. I only know from rumor.

By same. Are you acquainted with Katy Hill, *alias* Catharine Winchester ; if so, do you know her general moral character ; is it good or bad ?

Answer. I know her ; she has been living in my neighborhood for some time, I suppose about three miles and a half from me ; her general moral character is *bad*.

By same. From your acquaintance with her general character, is she entitled to credit on oath ; would you believe her, or give her full credit ?

Answer. From my acquaintance with her general character, I could not believe her on oath about any matter that I did not know myself to be as she should state it.

By same. Has or not James Davis, of whom you have spoken, the general character of being an unreliable man, and one who can be bribed and bought in elections ?

Answer. I think that such is pretty much the general rumor about him.

By same. Are you acquainted with Timothy Blevins, father of Shadrack Blevins ; if so, what is his general character ?

Answer. I know said Blevins, and have known him since my boyhood ; his character is good in every particular, so far as I ever heard.

By same. Has Andrew Hill any beard ? From his appearance, how old would you have taken him to be last summer ?

Answer. My recollection is, he has little or no beard ; his appearance indicated an age of 15 or 16 years last summer.

By same. Is his name recorded at the last election for Congress ; where and for whom ?

Answer. I find his name recorded on the poll book of district No. 4 of this county for the last election for James S. Chrisman for Congress.

By Chrisman. Have you ever heard Mrs. Hill testify on oath, or have you ever heard any one say that she was not entitled to credit on oath ?

Answer. I don't know that I ever heard her testify on oath, but I have heard divers persons say that they would not believe her on oath.

By same. Have you ever heard any one, save Mr. Anderson's political friends, say that they would not believe her on oath ?

Answer. I don't know that I have ; nor do I know that all the persons whom I have heard speak thus were his political friends.

By same. Have you ever heard any one say that she was not to be believed on oath before she testified in this case ?

Answer. I don't know that I ever heard any one speak of her oath till this case came up ; but I have always heard it said, among those who knew her, that she was not to be believed any way.

By same. Who did you ever hear say that James Davis could be bought in an election ?

Answer. It has always been rumored that he would sell ; my recollection is, that I heard James Warden, Huts Burk, and some of my

brothers, say that they viewed him as a trading man ; this was on the election day.

By same. Are not all of these men political friends of Mr. Anderson, and some of them personal enemies of Mr. Chrisman ; and did you not hear them make these remarks after Davis had voted ?

Answer. They all voted for Mr. Anderson, and I have heard one of them speak hard of Mr. Chrisman ; I don't know that I heard them speak of him (Davis) after he voted.

By same. Are you acquainted with the general character of Calvin Bell ; if so, state what it is ; and from your knowledge of his character, would you credit him on oath ?

Answer. I have been acquainted with Calvin Bell for some time, and from what I have heard, I think his character is quite good, and I would believe him on oath.

By same. Are you interested in the result of this contest between Chrisman and Anderson ?

Answer. Not pecuniarily. I voted for Anderson, however.

By Mr. Anderson's attorney. Were or not all the persons you mention who spoke of James Davis raised out in the neighborhood of where said Davis did or does live, except Mr. Warden ?

Answer. They were, except Mr. Warden. He has frequently been there, and I think is well acquainted with the people out there.

By same. This reputation you speak of was not confined to the persons mentioned, was it ?

Answer. Said Davis' reputation, as I have mentioned, it was general, and not confined to the persons designated.

WILLIAM DOBBS.

The further taking of depositions is adjourned until to-morrow morning at 9 o'clock, February 10, 1860.

W. M. BURTON, *P. J. T. M.*

Met pursuant to adjournment February 11, 1860.

The deposition of Jesse Wright, taken at same place on 11th February, 1860, he having been first duly sworn :

Question by Mr. Anderson's attorney. State where you resided and lived for sixty days before the last August election ; state where you voted and for whom for Congress.

Answer. I voted in Russell county, at the Wolf Creek precinct. I voted the opposition ticket clear through, and for Mr. Anderson for Congress. I lived in said precinct at the time of the election, and had lived there sixty days before the May election. I voted at that precinct at the May election ; I worked and lived during the whole summer in said precinct ; don't think I worked more than two miles from the voting place until after the last August election. I worked part of the summer at Wilson's, whose house is the voting place of said precinct.

By same. What time did you move to said precinct ? Did you or not make any engagements and work out of the precinct during the

sixty days before the late election, unless it was a mere engagement to work by the day?

Answer. I think it was sometime in February, 1859, that I moved to that precinct. I moved from Puncheon Camp bottom, in the same county, when I moved to Wolf Creek precinct. I had lived in that county for some five years. I did but two days' work out of the district for sixty days before the last election that I recollect of. I went on a visit to my son's, who lived in Creelsburg, in same county, and on my return home stopped with my nephew, whose crop was in the weeds, and I helped him for two days. I lived in the district where I voted from the time I moved there in February until after the election. I had my washing done in it, and had all my property in that district during the whole time, except the clothes I wore when away on a visit or visits.

By same. Were you in Wayne county during the summer? If so, state what brought you, and how long you stayed.

Answer. I did come to Wayne county during the summer on a visit to my son and son-in-law. I don't remember how long I stayed; it might have been as long as two weeks.

By same. State how long you have lived in Kentucky?

Answer. I have lived in this State about thirty years.

By Mr. Chrisman. Are you a man of family, or were you at the time of the late election?

Answer. I am not a married man, nor was I at the time of election. My daughter lived with me awhile in Russell county, but I brought her to this county when I came, and left her here. I then kept bachelor's hall. My reason for leaving her here was, that I had to work out from home so much.

By same. When here did you make any arrangement with your son or son-in-law to live with them, or either of them?

Answer. I made a sort of a contract with my son-in-law to move up here and live with him. I was to come, however, about a month after the election, which I did.

By same. When you came to this county before the election, did you bring anything with you?

Answer. No, sir; nothing but the clothing I had on.

By same. What did you leave in Russell?

Answer. My bed and bed-clothes, and all my wearing apparel, except what I had on.

By same. Who cooked and washed for you while in Russell?

Answer. I cooked myself when at home, and one of the Miss Harts washed for me.

By same. When you left Russell county and came to Wayne before the election, did you not come with the intention of making your son's or son-in-law's your home?

Answer. I came here merely on a visit, but with the intention of making arrangements to move over after the election.

By same. When did you first conclude to make this county your home?

Answer. Not till after the election.

By same. Did you not tell Andrew Spann, before the election, that you lived in Wayne?

Answer. No sir. I have no recollection of seeing Andrew Spann before the election. I think I met him as I was coming to this county, about three weeks after the electton, about a mile from old man Popplewell's, in this county. I don't recollect what was said between us.

By same. Did you ever tell any one, either in this county or Russell, before the election, that you lived in this county?

Answer. I did not.

By same. When you came to this county before the election, would you not have made this place your home had you not been persuaded by Mr. Anderson's friends to go back to Russell and vote, as you would not be allowed to vote here?

Answer. No sir. I was persuaded by no man. I am a man of my own head.

By same. How long has your son Riley lived in this State?

Answer. About two or three years; I am not certain which. He was born and raised in this State, but went off to Texas and lived awhile. He owns no land in the west that I know of. He lived in Texas something near two years, I think.

By Anderson's attorney. Has or not your son Riley lived in Kentucky more than two years since he came back from Texas?

Answer. I expect he has lived in Kentucky more than two years since his return from Texas.

By same. How long has he lived in Wayne county since his return?

Answer. He has lived in Wayne county ever since his return, except, I think, he worked about one month in Russell county. His washing, however, was then done in Wayne.

By same. How long had he lived in this district (No. 1) before the last election?

Answer. He has been in this district all the time, except when he was in Russell, as I have stated.

And further saith not.

his
JESSE + WRIGHT.
mark.

The deposition of J. Garrison Davidson, taken at the same time and place, by agreement of parties, so far as notice is concerned, J. S. Chrisman not waiving the objection that the time allowed by law has expired.

J. S. CHRISMAN, *by Agent.*
W. C. ANDERSON.

Question by Anderson's attorney. Are you acquainted with Henry Franklin, son of John Franklin, deceased? If so, is he related to you? State all you know about said Franklin running on the river some year or more since. Where was his home then, and did he leave with the intention of making his home elsewhere than in Wayne county?

Answer. I am acquainted with said Henry Franklin. He told me he voted in this district (No. 1) at the last election. He is my brother-in-law. He now lives, and has lived for the last twelve

months, on the headwaters of Horman's creek, in this district, in Wayne county. He left here in March, 1858, as I now recollect, to run on a steamboat as a hand, (on Cumberland river.) When he left he stated he was going to run awhile on the river, *i. e.* as long as boats run between Nashville, Tennessee, and this place, and he would then return back home. He then lived with his father, at the place before mentioned. The boating season on said river, up this high, continues generally to about the first of May. He wrote his brother, I think, in June after he left, at least I saw the letter in June. He said in the letter that he had stuck a nail in his foot, which crippled him so he could hardly walk. He also said, if his foot got well in time, he would be at home against the then August election. This letter is not in my possession. He also wrote a letter to me, which I got sometime in September or October of same year, [J. S. Chrisman excepts to proving the contents of this last mentioned letter, as it appears it is in the power of the witness, which exception is sustained,] and it is now in my possession, but the letter is not with me. Said Franklin came home on the day of the December county court, 1858, of this county. He looked like he had been and was then sick, and continues so. Said Franklin did not, I think, leave here with the intention of making his home elsewhere than at his father's. He left part of his clothes at his father's.

By same. Is he or not poor, and was he or not in a habit of working about to earn money?

Answer. He was poor, and did work about from place to place for money.

By same. Did he or not always claim his father's as his home, and return there when out of jobs of work?

Answer. He always claimed his father's as his home, and would regularly return there when out of work.

By same. Did he or not stay at his father's a good deal, and work there.

Answer. He did stay a good deal at his father's, and worked some there, but not very much.

By same. With the exception of the time he was gone on the river trip, did he or not for several years past work in this district?

Answer. He did. He was never out of it to my knowledge, unless he may have gone with a hog drove

By same. Where did he live after he came back from the river trip?

Answer. He has lived at his father's ever since. He may have worked a few days about town.

By Chrisman. Do you know where the said Franklin was, and what he was engaged at, from the time the boats stopped running on this river till he returned to this county in December, 1858? If so, state it.

Answer. I know nothing beside what he told me; he said he was in Nashville sick.

By same. Did the said Franklin ever send home for money while sick in Nashville?

Answer. He did not; he said he had plenty.

By same. What wages did Franklin receive while serving as a hand on the boat?

Answer. I can't tell.

By same. Did he have any money when he left home?

Answer. I don't know ; if any, not much.

By same. How many months did he serve as a hand on the boat?

Answer. I can't tell you.

By same. Was he on any other boat beside those that run from Nashville up the Cumberland river?

Answer. I don't know.

By same. At what time was he taken sick?

Answer. I don't know.

J. G. DAVIDSON.

Also the deposition of B. E. Roberts, taken at the same time and place, he having been duly sworn:

Question by Mr. Anderson's attorney. Please examine the copy of the naturalization record of Henry S. Martin, and state if you have compared it with the record of the Wayne county court ; if so, is it a correct copy ?

Answer. I have examined said copy which is herewith filed as part of my deposition, signed at the bottom with my name for identification, and I have compared it with the record of the Wayne county court, and find the copy correct. The copy of the declaration of intention of said Martin made in the Wayne circuit court I have also compared, and find it correct.

By same. Does or not the declaration of intention of said Martin as it is recorded in the records of the Wayne circuit court appear to have been made at the October term, 1857, of said court ?

Answer. It does.

By same. Was or not the judgment of naturalization of said Martin, made at the July term, 1859, of the Wayne county court, and with less time than two years after the filing of the said declaration ?

Answer. The judgment of naturalization was entered at the July term, 1859, of the Wayne county court, and was within less time than two years after the filing of the declaration.

By same. Did said Martin vote at the late election ; if so, where and for whom for Congress ?

Answer. I find the name of Henry Martin recorded for J. S. Chrisman for Congress at the last election on poll-book, district No. 1, of this county.

By same. Do you know G. W. St. John, brother-in-law of Ezekiel Smith ?

Answer. I know George W. St. John, said to be Smith's brother-in-law, and is so regarded.

By same. Were you or not tax commissioner of this county for the year 1859 ; if so, did you apply to said St. John for a list of his titheables ; and what did he state in reference to the matter ?

Answer. I was tax commissioner of this county for that year. I applied to said St. John in that year for a list of his titheables. He was then about starting south. He said to me that he did not think he ought to give a list here. I asked him why not, and he answered me that he did not consider this his home. He said something about

having property in Virginia, and said he was a trader. I don't remember certainly where he said his home was, but it is my best impression, that he said his home was in Virginia.

By same. What time of year was this?

Answer. I think it was early in the spring 1859.

By same. Do you know one C. F. Kidd, who went to California a year or two since; if so, did he give his list of taxables for the year 1859; or did he refuse to do so, and on what grounds?

Answer. I know said Kidd; I called on him for his tax-list in the year 1859, soon after his return from California. He did not exactly refuse to give his list, but said while he was gone to California his wife had moved his plunder over to Tennessee—this is my impression—and he did not exactly know whether to consider this county or Tennessee his home at that time. He said he would see me again before I returned my book and let me know. When I had this conversation with him, I had met him in the southern part of this county, a few miles from the place he lived when he went to California. He was riding on a horse with gears on, and carrying a plough. He stated that he was going to the farm where he lived before going to California to sow oats. He also said something about selling out his farm; my present impression is, he said if he sold that he would make his home in Tennessee.

By same. Did or not said Kidd ever come to you afterwards to give his list?

Answer. He never did.

By same. Was or not his name reported to the Wayne county court by the sheriff as subject to taxation, and omitted by you as commissioner; and did not said court decide that you were not liable to the penalty fixed by law for a failure to list him as a tax payer?

Answer. His name was so reported, and the county court released me of the penalty for such failure by my stating the facts heretofore stated.

By same. Are you or not a warm personal and political friend of J. S. Chrisman?

Answer. I am a warm personal and political friend of Major Chrisman, and was at the time of the election.

By same. Did said St. John and Kidd vote at the late election; and where were they given, and for whom recorded for Congress?

Answer. Their names are both recorded upon the poll-books of last election for J. S. Chrisman for Congress; St. John's at precinct No. 1, and Kidd's at No. 3, of this county.

By same. Do you know of but one man each of the names aforesaid in this county; and do you or not know every voter in this county?

Answer. I know of but one St. John in this county, and but one C. F. Kidd; I have a large acquaintance in this county; I know but one Kidd in district No. 3 of this county, and that is C. F. Kidd.

By same. Do you know Joseph B. Newell; if so, does he or not sustain a very fair reputation, as much so as the governor of this State?

Answer. My acquaintance with him is limited; so far as I know, his reputation for morals and citizenship is equal to that of the governor of this State; but I don't like his politics as well.

By same. Are you acquainted with, and do you know the general character of Timothy Blevins and J. M. Hutchison ; what is it ?

Answer. I know them, but don't know much about their characters ; never heard anything said against them.

By Chrisman. In the conversation with Kidd, above mentioned, did he say anything about moving to California ?

Answer. He did not, that I recollect of.

By same. Are you acquainted with the general character of Calvin Bell and J. J. Shepperd ; if so, is it good or bad ?

Answer. Their general reputation, so far as I know, is good ; I have known them both for some time, and I have never heard anything said against them.

By same. From your knowledge of their general character, would you or not believe them on oath ?

Answer. I would.

By same. State what J. J. Shepperd said to you in reference to his residence at the time he listed with you for taxation in the spring of 1859 ?

Answer. He said that he considered district No. 1, of Wayne county, his home.

By same. What was J. J. Shepperd following ; and where was he when he listed with you ?

Answer. I saw him at Blevins', in this county ; he was then staying with Ambrose Spradlin, in this county, and was out on the hunt of some of his hogs which had strayed off.

By Anderson. How long have you lived in Monticello ; has J. J. Shepperd actually lived in and been an inhabitant of this district since the fall of 1858 ?

Answer. I have lived in Monticello since about the first of May, 1857.

I can't say that he has ; I have seen him here occasionally since that time ; my best impression is, that he has not been much about here since he took his hogs out to the range, which, I think, was in the fall or winter of 1858.

By same. Have you known him to stay in this town as much as three nights since the time you mention ?

Answer. I think he was here some days when he brought his hogs in ; I don't know where he slept of nights.

B. E. ROBERTS.

The further taking of depositions is adjourned until Monday morning, February 13, 1860, at 9 o'clock, this the 11th of February, 1860.

W. M. BURTON, *P. J. T. M.*

Met pursuant to adjournment on Monday, February 13, 1860.

WAYNE COUNTY COURT, *July Term*, 1859.

Proceedings had before honorable G. W. Mills, presiding judge of the Wayne county court, at the court-house, in the town of Monticello, Kentucky, on Monday, the 25th day of July, 1859.

Henry S. Martin this day produced a copy of declaration of intention to become a citizen of the United States, in words and figures following:

WAYNE CIRCUIT COURT, KENTUCKY,
October Term, 1857.

Be it remembered that Henry S. Martin, late of England, in the dominions of Victoria, Queen of Great Britain, this day came into court, and on his corporal oath before said court declared that it is his *bona fide* intention to become a citizen of the United States of America, and to renounce forever, and he doth renounce forever, all allegiance and fidelity to any and every foreign prince, potentate, or sovereignty whatever, and particularly to Victoria, Queen of Great Britain, to whom he was heretofore subject.

Sworn and subscribed to by the said Henry S. Martin this 17th day of October, 1857.

HENRY S. MARTIN.

STATE OF KENTUCKY, *Wayne Circuit Court*:

I, William Simpson, clerk of said court, do certify that the foregoing contains a true and complete transcript of the records of said court in the case therein mentioned.

Given under my hand and official seal this 17th day of October, [L. s.] 1857.

W. SIMPSON, *Clerk*.

And satisfactory evidence being given to the court that said Henry S. Martin has resided in the United States for more than five years, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same: and thereupon the said Henry S. Martin declared upon oath that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatever, and particularly Victoria, Queen of Great Britain, whereof he was a citizen and subject:

Wherefore it is now adjudged by the court that the said Henry S. Martin be, and he is now declared to be, a citizen of the United States, and entitled to all the rights, privileges, and immunities of a citizen, which is ordered to be certified.

STATE OF KENTUCKY, *Wayne County Court*:

I, William Simpson, clerk of the county court for the county aforesaid, do certify that the above and foregoing is a true and complete copy of the record of said court in the case therein mentioned.

Witness my hand, as clerk of said court, this 10th day of February, 1860.

WM. SIMPSON, *Clerk*,
By JAS. M. SAUFLEY,
Deputy Clerk.

Also the deposition of Nathaniel Hill, taken at the same place, for the same purpose, on the 13th of February, 1860, he being first duly sworn :

Question by Mr. Anderson's attorney. Are you or not acquainted with C. F. Kidd, who went from this county to California a year or so since ?

Answer. I am ; have been for some years past.

By same. Did you or not hear a letter read purporting to have been written by said Kidd to his wife or brother-in-law while in California ? State when this was, and state what was said in the letter ; state who read the letter and where it was read, and state whether the letter is in your possession or control.

Answer. Said Kidd and Washington Upchurch were selling goods together before Kidd left for California ; I was in the habit of dealing with them, and after Kidd left I would inquire of Upchurch if Kidd had written to him ; upon one occasion Upchurch informed me he had got a letter from Kidd ; Upchurch read the letter to me ; in it Kidd said to Upchurch that he need not consider him (Kidd) any longer a partner in the store ; I don't know that he gave any reason ; this letter I have not in my possession or control.

[J. S. Chrisman, by agent, excepted to this and the following answer as being incompetent. The exception was overruled.]

By same. State if you heard read any other letter from said Kidd while in California, and to whom was it written, and by whom read to you ; state what was read to you.

Answer. There was a letter which came from said Kidd while in California to Kidd's wife ; his brother-in-law read it to me ; he stated in the letter for his wife to sell out everything, and, if she would be better satisfied, to move to his (Kidd's) father's, in Tennessee, and live there until the water should rise, and he would then send after her to take her to California ; this letter is not in my control or possession, or under my control.

By same. State what said Kidd stated to his brother-in-law, James Evans, about the land which they had bought.

Answer. He stated in a letter to his brother-in-law, James Evans, that he (Evans) need not consider him any longer a partner in the land which they had bought in partnership, and for him (Evans) to sell it and do the best he could with it ; he said nothing about coming back to Kentucky ; this was while Kidd was in California ; this letter was read to me by James Evans, and is not under my control.

By same. Did or not the wife of said Kidd make a sale of his property, and did she or not move off to Tennessee in the fall of 1858 ; and did she or not leave any effects behind known to you ?

Answer. She sold his property, at least I saw the only cow which did belong to him being driven off ; I understood she sold everything, but of my own knowledge I only know about the cow ; she moved off to Tennessee, as I understood ; I was at the house where she did live, and she was gone, and nothing was left in it.

By same. How far did you live from the place she left ? State when she left, and state when you again saw her living in this county.

Answer. I lived within about two miles of the place she left ; I cannot say exactly what time she left ; it was sometime in the fall or winter of 1858. The next time I saw her living in this county was sometime last spring ; it may have been the last of February or first of March that they moved back. Kidd came over and made a crop in this county.

By same. State whether or not you have been at the house of W. J. Grear since the election ; if so, did or not said Grear show you the State line between Kentucky and Tennessee, and on which side of said line does said Grear live ?

Answer. I have been at the house of said Grear since the election ; there is freshly marked timber on both sides of his house ; said Grear showed me the State line between Kentucky and Tennessee, as it had been recently run ; I sighted from the marked trees I have mentioned, and on the line he pointed out to me as the State line, the house is on the south side of the line, and in Tennessee. The line would include a portion or perhaps all of his chimney, but the balance of the house is on the south side of the line.

By same. Did or not said Grear tell you he voted in Clinton county, Kentucky, for J. S. Chrisman for Congress at the late election ?

Answer. He did so state.

By same. At what precinct in Clinton county ?

Answer. He said in Hays's precinct.

By same. Did or not said Grear state the line had been run since the election ?

Answer. I don't know that he did.

By Chrisman's agent. Do you know that either of the letters above spoken of were written by said Kidd ?

Answer. I do not.

By same. Do you know that Kidd's name was signed to either of the letters ?

Answer. I do not.

By same. When was it that you heard these letters read ?

Answer. It was this winter a year ago ; I don't know what month ; I heard these letters read on different occasions.

By same. How did it happen that they read Kidd's letters to you ?

Answer. I inquired of them if they had got any letters from Kidd, and they said they had ; I remarked that I would like to hear them read, and they read them to me.

By same. Did you hear all of Kidd's letters read ?

Answer. I expect not ; I heard of them getting several letters that I don't think I heard read.

By same. Who has possession of those letters at this time ?

Answer. I don't know.

By same. Did you make any effort to get them and bring them here to-day ?

Answer. I did not.

By same. Was not the old State line between Kentucky and Tennessee formerly believed to run on the south side of said Grear's residence ?

Answer. I don't know where the old line run.

By same. How did Mr. Anderson or his friends know that you knew anything about the letters Kidd had written home?

Answer. I reckon I told some of them.

By same. For whom did you vote in the race for Congress at the last August election?

Answer. For W. C. Anderson.

By same. Were you not a warm political friend of Mr. Anderson, and did you not do all you could to elect him?

Answer. I was a warm friend of Mr. Anderson, and did all I fairly could to elect him.

And further saith not.

NATHANIEL ^{his} + HILL.
mark.

Also the deposition of Robert M. Tate, taken at same time and place, for same purpose, he being first duly sworn :

Question by Mr. Anderson's attorney. Were you or not one of the judges of the last August election, held at district No. 6, of Wayne county?

Answer. I was one of the judges of said election at said district ; S. Hinds and myself were the judges.

By same. Do you or not remember the circumstances attending the recording of the vote of Wm. Weaver at said election? If so, state all about it.

Answer. The votes were generally given in by ticket. William Weaver handed in a ticket to the sheriff, who cried his vote ; the sheriff did not cry Chrisman's name at the time he handed in his ticket ; after three votes had been cast, as I now recollect, it may have been but two votes, which were recorded, upon a contention among the officers of the election the judges concluded to let his vote be recorded for Chrisman ; when his vote was first recorded, at the time it was cried, Chrisman's name was not called as voted for, nor was Weaver recorded as voting for Chrisman. The voting was done through a window, and Weaver had not left the window until the contention arose and the poll-book was amended by putting him down for Chrisman. The first contention arose between the sheriff and said Weaver ; Weaver claimed that he had voted for Chrisman, and the sheriff (who was a friend of Chrisman's) contended that he had not voted for Chrisman. Weaver said he had rather lose all his other votes than miss his vote for Chrisman. I did not read the ticket which Weaver gave the sheriff, and I don't know whether Chrisman's name was on it or not. I know Weaver first asked whether his name was put down for Chrisman, which led to the contention and recording his vote for Chrisman. After the difficulty had subsided, the sheriff said that Chrisman's vote was on the ticket which Weaver had handed in. At first he contended he had cried all the names on the ticket.

By Mr. Chrisman. Is not William Weaver a man that cannot be influenced in an election?

Answer. I don't suppose he could.

By same. For whom did you vote in the race for Congress at the late election?

Answer. For W. C. Anderson.

R. M. TATE.

Also the deposition of T. C. Brown, taken at same time and place, having been first sworn :

Question by Mr. W. C. Anderson's attorney. Were you or not clerk of the late election held at Mill Spring (No. 6 district) of this county? if so, state all you know about the recording of the vote of Wm. Weaver, cast at said precinct at the August election.

Answer. I was clerk of the late August election at said precinct; Wm. Weaver came to the polls to vote; the sheriff cried his vote, and it was recorded as cried; the name of J. S. Chrisman was not cried when Weaver first gave in his vote, and consequently his vote was not recorded for Chrisman; after two votes were given and recorded, and perhaps a third one was being recorded, Weaver asked if his vote was put down for Chrisman, and was told it was not; he then contended that he did vote for Chrisman, and the sheriff said he did not; and after some contention between the officers, it was concluded to record Weaver's vote for Chrisman; I contended that it was an illegal proceeding, but the judges overruled me, and I recorded his vote as afore-said for Chrisman; I am not positive whether Weaver or the sheriff cried Weaver's vote in the first place; it is, however, the custom of the sheriffs to cry the votes; the sheriff contended that he was not to blame for the omission of Chrisman's name when Weaver first voted; I don't know whether Weaver had left the polls before the poll-book was amended or not.

By same. Are you not acquainted with George Payne, who voted at said precinct for Chrisman at the late election; if so, is he or not a fool?

Answer. I know said George Payne who voted, as I now recollect, at said precinct in the late election for Chrisman; said Payne has no sense.

By same. Can't said Payne be voted for a plug of tobacco or a pair of shoes?

Answer. He can be voted for a small bribe; he once told me, in answer to my question as to whom he voted for, that he voted for the biggest pair of boots or shoes, I don't remember which, that was ever seen at Mill Springs.

By same. Are you or not acquainted with J. M. Hutchison, Richard B. Cooper, Joseph B. Newell, and Reuben Denny; if so, do you know their general characters; are they good or bad?

Answer. I know them all; I also am acquainted with their general character; their characters are good; Joseph Newell's character is very high—none better.

By same. Did you or not seal up the poll-book of said precinct at the close of the election and deliver the same to the sheriff?

Answer. I did; the whole of the poll-book is in my handwriting, the last page is also in my handwriting, and was recorded during the proper hours; I mean all the names of voters and record of votes are in my handwriting.

By Mr. Chrisman's agent. Is not William Weaver a firm, staunch man, and a man that cannot be influenced in his voting?

Answer. I can't say ; I don't know much about the man.

T. C. BROWN.

Also the deposition of Henry Franklin, taken at the same time and place, he having been first duly sworn :

By Mr. Anderson's attorney. Are you or not the same Henry Franklin whose deposition is contained in this record on pages 26, 27, and part of 28?

Answer. I am the same.

By same. Has or not said deposition just been read to you, and is it or not correct?

Answer. It has just been read to me, and it is correct.

By same. About the time you started off were you or not frequently annoyed by persons wanting to know where you were going, and did you or not frequently give them careless and varied answers to get rid of them?

Answer. This was the case ; I was not particular in telling them where I was going, and did not care whether I told them the truth or not

By same. While you were gone did you or not write to your brother that you were coming home against the August election in 1858 ; where is said letter?

Answer. I did write to my brother that I was coming home to the August election, 1858 ; I have looked for the letter recently and cannot find it.

By same. Did you or not go to Nashville and come home with John H. Goddard at the time alluded to?

Answer. I did.

By same. Since you came home with Goddard have you or not been at your home ever since?

Answer. I have remained home ever since I returned with Goddard.

By Mr. Chrisman's agent. You say that you left this county sometime in March, 1858 ; now state how many months you remained on the boat.

Answer. I don't know precisely how long ; I was on the boat the greater part of the time I was gone.

By same. Were you on any boat beside those that run from Nashville up the Cumberland river?

Answer. I run to Paducah, in this State.

By same. How long were you sick in Nashville?

Answer. I cannot tell how long.

By same. What was your object in telling Jones and others jestingly that you never expected to return to Kentucky again?

Answer. I don't recollect of telling them so ; but if I did, it was because it was none of their business to inquire into my affairs.

By same. Did you not conclude, while you were gone, to make your home in some other State than Kentucky?

Answer. I did not.

HENRY FRANKLIN.

The further taking of depositions is adjourned until to-morrow morning at 10 o'clock, this 13th day of February, 1860.

W. M. BURTON, *P. J. T. M.*

Met pursuant to adjournment on the 14th of February, 1860.

The deposition of John H. Goddard, taken at the same time and place, on the 14th of February, 1860, he being first duly sworn :

Question by Mr. Anderson's attorney. For whom did you vote in the late August election for Congress, and where did you vote? Where did you then reside, and how long had you resided in that place? If you have been absent from that State lately, state when, where, and your purpose in going.

Answer. I voted for W. C. Anderson at the Monticello or town precinct, in Wayne county, and resided in the same for ten years or more. As to my absence from said town, I was merely hired as clerk on a steamboat which was to run from Nashville and to the port of Monticello, and other ports too numerous, I suppose for any purpose here, to enumerate. My intention was, and is still, to make Monticello my home or the county, probably as long as I live.

By same. Do you know Henry Franklin whose deposition was taken in the case on yesterday? If so, state whether you were with him while he was on the river, and did you and he return together. State whether or not said Franklin spoke of Wayne county as his home while he was on the river.

Answer. I am well acquainted with Henry Franklin. I happened to go to Nashville on the steamer Sligo the same trip that he went to Nashville; he shipped as deck hand on the same boat on same trip; the boat, I think, continued to make trips to and from the port he shipped at, and I think he still continued on it and other boats; that was in the spring of 1858, and the next I saw of him was sometime in the first of November; I met him in Nashville much emaciated and pale; he said he was and had been sick; he asked how all were at home, &c. We both remained in Nashville until the first rise in the river; we both shipped on the Rock City to Paducah. After remaning there some time for repairs, we returned to Nashville; and in several days after we shipped on the "Acacia Cottage" to the port of Monticello and other ports. A few (two or three) days after we got home he left the boat, and has been at home ever since, or at least has not made any other place his residence. From the best of my recollection, in all my conversations in relation to his home was, that he considered Wayne county and his father's house as his home.

By same. Are you acquainted with Terry Sizemore who gave his deposition at J. S. Chrisman's instance in this contest? If so, do you know his general moral character? Is it good or bad?

Answer. I am acquainted with said Sizemore, but do not know as to him giving his deposition in this case. As to his moral charater, I

do not consider his being of the best by a long way, and has great room for repairs.

By same. Are you or not acquainted with Timothy Blevins; if so, what is his general character? Would you give him full credit on oath from your knowledge of his character?

Answer. I am acquainted with Timothy Blevins, and I think well as to his veracity, and would believe him on oath as soon as Jim Buchanan. His character generally is good, and have never heard it impeached.

By Chrisman's agent. From your knowledge of the general character of said Sizemore, would you or not believe him on oath?

Answer. If he was drunk, I think it d—d uncertain; and if sober, he might swear the truth.

By same. Are you or not acquainted with the general character of William Dobbs who gave his deposition in this matter of contest a few days since; if so, is it good or bad?

Answer. As to Mr. Dobbs's, character I know nothing against it; though I have heard rumors against him without knowing the correctness or incorrectness of them.

By same. Have you not heard many persons say that they believed he was a counterfeiter?

Answer. I may have heard some persons say that they believed that he was, but don't recollect as to how many or whom; I have heard that he was caught in a scrape of that sort from some persons, but know not how many or whom.

By Mr. Anderson's attorney. Can you say that such rumors amounted to general character?

Answer. No.

By same. Would you or not give him credit on oath?

Answer. From all that I ever saw of him, I would.

By Mr. Chrisman's agent. Can you say that the rumor did not amount to general character?

Answer. As to general character, my notion is, that it takes several items to make up one; and although one item might make a part of a general character, I cannot say that one item would make a general character.

J. H. GODDARD.

Adjourned until to-morrow morning, this 14th day of February, 1860.

W. M. BURTON, *P. J. T. M.*

Met pursuant to adjournment on the 15th day of February, 1860.

The deposition of L. R. Jones, taken at the same place on the 15th of February, 1860, in same case, he having been first duly sworn:

Question by Mr. Anderson's attorney. Please state what you heard John Crutchfield, father of Sebron Crutchfield, say in reference to the residence, &c., of said Sebron Crutchfield in the year 1857 or 1858.

Answer. Sometime in the fall of 1857 or 1858, (I don't now recol-

lect which,) John Crutchfield, father of said Sebron, came to my tanyard, in this county, and while there Crutchfield and myself got into a conversation about his son Sebron. He told me that Sebron was living in Iowa with one of his uncles; he said Sebron was either selling goods for his uncle or in partnership with him, I don't recollect which. He said, during the conversation, that Sebron had gone to buy goods when he last heard from him; don't remember whether he said he was buying in Iowa City or Philadelphia; my impression is he said Philadelphia. I remember the conversation about the matter more distinctly than I should probably have done, on account of the fact that I was surprised that Sebron should do so well as his father represented of him.

By same. Are you not pretty well acquainted with said John Crutchfield's general character; if so, what is it?

Answer. I am acquainted with the character he bears in the upper end of this county, where he lives; his general character there is not very good. Crutchfield has lived in the upper end for ten or fifteen years or thereabouts. I have lived above Monticello since boyhood, say twenty years; I am now thirty-three years old and upwards.

By same. From your knowledge of his general character, is he entitled to full credence on oath?

Answer. I would say not. I would not believe him where he had the least spark of interest at stake.

By same. Do you know Ezekiel Cecil, and are you acquainted with his general character; is it good or bad?

Answer. I know him very well; he lived in my neighborhood five years; I know his general character in that neighborhood; he sustains a very good character as an honest man; his general character is good; he is a poor man; I would believe him on oath as quick as any man.

By Mr. Chrisman's agent. Are you acquainted with the general character of William Dobbs; if so, state whether it is good or bad?

Answer. I know nothing of his character.

By same. Do you know of any B. Vaughn living in the town district in this county?

Answer. I know a George Vaughn who lives as above mentioned.

By Anderson's attorney. From the appearance of said Vaughn, how old would you have taken him to be at last August?

Answer. He looked like he was about eighteen years of age.

By Chrisman. Had you heard said Vaughn say anything in relation to his age before the last August election?

Answer. I think I saw him vote last August two years, and told him then that he was not old enough; he replied that he was.

[William C. Anderson excepts to the reading of the last answer above, upon the ground that it is incompetent, proving the statement of a voter not sworn, and in his own favor.]

And further saith not.

L. R. JONES..

The further taking of depositions is adjourned until to-morrow morning, this 15th February, 1860.

W. M. BURTON, *P. J. T. M.*

Met pursuant to adjournment on 16th February, 1860.

The deposition of J. T. Wilhite, taken at the same place, and on the 16th February, 1860, he having been first sworn.

By Anderson's attorney. Are you acquainted with Terry Sizemore; if so, do you know his general moral character; is it good or bad?

Answer. I know said Terry Sizemore; I know his general moral character; it is bad.

By Chrisman's agent. From your knowledge of his general character, is he or not entitled to credit on oath, especially when not interested?

Answer. I can't say that I would believe him on oath from my knowledge of his general character.

By same. Have you ever heard him testify on oath?

Answer. I don't recollect that I ever did.

By same. Have you ever heard any one say that he was not entitled to credit on oath?

Answer. No; I don't know that I ever heard anybody say so.

By same. You say that his moral character is bad; have you ever heard anything said against it except that he would get drunk?

Answer. Nothing; he is generally considered a naturally worthless man.

By same. Are you acquainted with the general moral character of Bartley Lawson; if so, is it good or bad?

Answer. I am acquainted with his general moral character, and it is not very good.

By same. From your knowledge of the general moral character of Terry Sizemore and Bartley Lawson, which is entitled to preference on oath?

Answer. From my knowledge of their general moral character, I must say that I would not believe either one of them if interested.

By same. Are you acquainted with the general moral character of William Dobbs, who gave his deposition in this matter of contest a few days since; if so, is it good or bad?

Answer. I can't say that I am particularly acquainted with his general character.

By same. Is it not generally believed through the country that he is a counterfeiter?

Answer. I can't say that it is generally believed.

By same. For whom did you vote in the race for Congress at the late election?

Answer. I voted for William C. Anderson.

By same. Were you not a warm and active friend of Mr. Anderson, and did you not do all you could to secure his election?

Answer. I was his warm political friend, and did do all I could to secure his election honorably.

J. T. WILHITE.

The further taking depositions is adjourned until to-morrow morning, this 16th February, 1860.

W. M. BURTON, *P. J. T. M.*

STATE OF KENTUCKY, *Wayne County, set :*

I, William M. Burton, police judge of the town of Monticello, in Wayne county, and State aforesaid, (the police court of said town being a court of record, of which court I am the sole judge, as aforesaid,) do certify that the foregoing depositions of Lewis Davenport, Reuben S. Demy, William McGee, and his wife, Margaret H. McGee, Winniford Kelly, William C. Hoy, Henry Franklin, Joseph B. Newell, Richard Cooper, Thomas Sowders, William Dobbs, Jesse Wright, J. G. Dandron, B. E. Roberts, Nathaniel Hill, R. M. Tate, T. C. Brown, J. H. Goddard, L. R. Jones, and J. T. Wilhite, and others, were taken at the place and for the purposes in the caption mentioned, and on the 8th, 9th, 10th, 11th, 13th, 14th, 15th, and 16th days of February, 1860; said witnesses having been first duly sworn by me, their statements reduced to writing in my presence, and in the presence of the witnesses respectively, and read to them, and their depositions severally attested by the witnesses in my presence, the agents and attorneys of W. C. Anderson and James S. Chrisman being present during the whole of the examination of witnesses. I further certify that none of the depositions have in any manner been altered or erased since taken.

Given under my hand this 17th day of February, 1860.

W. M. BURTON, *P. J. T. M.*

Costs of taking proof.

Judge's costs	-	-	-	-	-	-	-	\$17 00
Per diem and mileage of witnesses	-	-	-	-	-	-	-	21 00
Sheriff	-	-	-	-	-	-	-	3 20
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Attest:

WILLIAM M. BURTON,
P. J. T. M.

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